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LEGISLATIVE HISTORY

PUBLIC LAW 243--79th Congress

Chapter 151--1st Session

H. R. 4350

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Digest of Public Law 1

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DIGEST OF PUBLIC LAW

REPLACEMENT OF CHECKS. Liberalizes the law relating to duplication of lost, stolen, destroyed, mutilated, or defaced checks to eliminate unnecessary delay and expense to owners and simplify administrative procedure in issuance of substitute checks.

INDEX AND SUMMARY OF HISTORY ON H. R. 4350

October 10, 1945	H. R. 4350 introduced by Mr. Manasco and referred to the House Committee on Expenditures in the Executive Departments.
October 18, 1945	S. 1490 introduced by Mr. Hill and referred to the Committee on Expenditures in the Executive Departments. House Committee on Expenditures reported H. R. 4350 without amendment. House Report 1132. Print of the bill as reported.
November 5, 1945	H. R. 4350 discussed in House and passed without amendments.
November 6, 1945	H. R. 4350 referred to the Senate Committee on Expenditures in the Executive Departments.
November 27, 1945	Senate Committee reported H. R. 4350 without amendment. Senate Report 801. Print of the bill as reported.
November 28, 1945	Discussed in Senate and passed without amendment.
December 3, 1945	Approved. Public Law 243.

79TH CONGRESS
1ST SESSION

H. R. 4350

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 10, 1945

Mr. MANASCO introduced the following bill; which was referred to the Committee on Expenditures in the Executive Departments

A BILL

To amend section 3646 of the Revised Statutes, as amended, relating to the issuance of checks in replacement of lost, stolen, destroyed, mutilated, or defaced checks of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3646 of the Revised Statutes of the United States, as amended (U. S. C., title 31, sec. 528), is further amended to read as follows:

"(a) Except as hereinafter provided, whenever it is clearly proved to the satisfaction of the Secretary of the Treasury that any original check of the United States is lost, stolen, or wholly or partly destroyed, or is so mutilated

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or defaced as to impair its value to its owner or holder, the Secretary of the Treasury is authorized, before the close of the fiscal year following the fiscal year in which the original check was issued to transfer the amount of the original check from the account of the drawer to a special deposit account carried in the name of the Secretary of the Treasury on the books of the Treasurer of the United States, and to issue against such special deposit account to the owner or holder thereof a substitute under current date showing such information as may be necessary to identify the original check, upon the receipt and approval by the Secretary of the Treasury of an undertaking to indemnify the United States, in such form and amount and with such surety, sureties, or security, if any, as the Secretary of the Treasury may require; but no such substitute shall be payable if the original check shall first have been paid: *Provided,* That nothing herein contained shall be deemed to relieve any certifying officer or his sureties or any disbursing officer or his sureties of any liability to the United States on account of any payment resulting from the erroneous issuance of the original check: *And provided further,* That the authority herein conferred to issue substitute checks may, in the case of checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws, be exercised without limitation of time.

"(b) An undertaking of indemnity shall not be required under subsection (a) of this section in any of the following classes of cases except as provided in this subsection: (1) If the Secretary of the Treasury is satisfied that the loss, theft, destruction, mutilation, or defacement, as the case may be, occurred without fault of the owner or holder and while the check was in the custody or control of the United States (including the postal service when carrying mail for any officer, employee, agent, or agency of the United States when performing services in connection with an official function of the United States, but not including the postal service when otherwise acting solely in its capacity as a public carrier of the mail), or of a person thereunto duly authorized as lawful agent of the United States, or while it was in the course of shipment effected pursuant to and in accordance with the regulations issued under the provisions of the Government Losses in Shipment Act; (2) if substantially the entire check is presented and surrendered by the owner or holder and the Secretary of the Treasury is satisfied as to the identity of the check presented and that any missing portions are not sufficient to form the basis of a valid claim against the United States; (3) if the Secretary of the Treasury is satisfied that the original check is not negotiable and cannot be made the basis of a valid claim against the United States; (4) if the amount of the check is not more than $200; (5) if the owner

or holder is the United States or an officer or employee thereof in his official capacity, a State, the District of Columbia, a Territory or possession of the United States, including the Commonwealth of the Philippine Islands, a municipal corporation or political subdivision of any of the foregoing, a corporation, the whole of whose capital is owned by the United States, a foreign government, or a Federal Reserve bank: *Provided, however,* That in any of the foregoing classes of cases the Secretary of the Treasury may require an undertaking of indemnity if he deems it essential to the public interest.

"(c) Notwithstanding the provisions of subsections (a) and (b) of this section whenever it is clearly proved to the satisfaction of the Secretary of the Treasury that any original check of the United States drawn on a depositary in a foreign country or a Territory or possession of the United States, including the Panama Canal Zone and the Philippine Islands, is lost, stolen, or wholly or partly destroyed, or is so mutilated or defaced as to impair its value to its owner or holder, the drawer of the original check or such other officer or employee of the United States as may be authorized by the Secretary of the Treasury with the concurrence of the head of the department or agency upon whose behalf the original check was issued is authorized, before the close of the fiscal year following the fiscal year in which the original check

was issued, to issue to the owner or holder thereof a substitute under current date showing such information as may be necessary to identify the original check, drawn against the account of the drawer of the original check or such other account as may be available for the payment of such substitute, upon the receipt and approval by the Secretary of the Treasury of an undertaking, to indemnify the United States, in such form and amount and with such surety, sureties, or security, if any, as the Secretary of the Treasury may require; but no such substitute shall be payable if the original check shall first have been paid. Nothing herein contained shall be deemed to relieve any certifying officer or his sureties or any disbursing officer or his sureties of any liability to the United States on account of any payment resulting from the erroneous issuance of the original check.

"(d) The Secretary of the Treasury shall have the power to make such rules and regulations as he may deem necessary for the administration of the provisions of this section.

"(e) Notwithstanding the provisions of subsections (a), (b), (c), and (d) of this section, whenever any original check of the Post Office Department has been lost, stolen, or destroyed, the Postmaster General may authorize the issuance of a substitute, marked 'duplicate' and showing the number, date, and payee of the original check, before

the close of the fiscal year following the fiscal year in which the original check was issued, upon the execution by the owner thereof of such bond of indemnity as the Postmaster General may prescribe: *Provided,* That when such original check does not exceed in amount the sum of $100 and the payee or owner is, at the date of the application, an officer or employee in the service of the Post Office Department, whether by contract, designation, or appointment, the Postmaster General may, in lieu of an indemnity bond, authorize the issuance of a substitute check or warrant upon such an affidavit as he may prescribe, to be made before any postmaster by the payee or owner of an original check.

"(f) Substitutes issued under this section, drawn on the Treasurer of the United States, except those for checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws, shall be deemed to be original checks and shall be payable under the conditions set forth in section 21 of the Permanent Appropriation Repeal Act, 1934 (U. S. C., title 31, sec. 725t). Substitutes for checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws shall be payable without limitation of time.

"(g) The term 'original check' wherever used in this section means any check, warrant, or other order for the

payment of money, payable upon demand and not bearing interest, drawn by a duly authorized officer or agent of the United States, the District of Columbia, or the District Unemployment Compensation Board, on their behalf against an account or funds of the United States, the District of Columbia, or the District Unemployment Compensation Board, including instruments issued by any corporation or other entity owned or controlled by the United States, the funds of which are deposited and covered into the Treasury of the United States or deposited with the Treasurer of the United States, but does not include money, coins, or currency of the United States; as used in subsection (e) of this section it means such an instrument drawn by a duly authorized officer or employee of the Post Office Department.

"(h) Any power, authority, or discretion conferred upon the Secretary of the Treasury by this section may be delegated by him, in whole or in part, subject to such terms and conditions as he may prescribe, to such individuals as he may designate within the Treasury Department or to the head of any other department or agency of the Government or of any Federal Reserve bank, and the head of such department or agency or Federal Reserve bank may, when such action is not inconsistent with the terms and conditions of the delegation by the Secretary of the Treasury, redelegate any power, authority, or discretion conferred upon him pur-

suant to this subsection to any officer or employee within such department, agency, or Federal Reserve bank."

SEC. 2. Sections 300 and 3647 of the Revised Statutes, as amended (U. S. C., title 31, sec. 119), are hereby repealed.

SEC. 3. This Act shall become effective on December 1, 1945.

79TH CONGRESS
1ST SESSION

H. R. 4350

A BILL

To amend section 3646 of the Revised Statutes, as amended, relating to the issuance of checks in replacement of lost, stolen, destroyed, mutilated, or defaced checks of the United States, and for other purposes.

By Mr. MANASCO

OCTOBER 10, 1945
Referred to the Committee on Expenditures in the Executive Departments

Oct.
18

OFFICE OF BUDGET AND FINANCE
Legislative Reports and Service Section

79th-1st, No. 182

DIGEST OF PROCEEDINGS OF CONGRESS OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

(Issued October 19, 1945, for actions of Thursday, October 18, 1945)

(For staff of the Department only)

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HIGHLIGHTS: Senate Committee reported reorganization bill. Senate conferees appointed on bill to repeal land-grant rates on military and naval traffic. Senate passed bill to provide for use of surplus property in soil conservation and forestry programs. House agrred to resolution for consideration of appropriation-rescission bill.

SENATE

1. GOVERNMENT REORGANIZATION. The Judiciary Committee reported with amendment S. 1120, the reorganization bill (S. Rept. 638) (p. 9917).

2. SOIL CONSERVATION; FORESTRY; SURPLUS MATERIALS. Passed with amendments S. 1414, to assist in soil conservation, water conservation, and forestry work by making certain surplus materials available for such work through distribution by grant or loan to public bodies organized under State laws (pp. 9933-5).

   Agreed to Sen. Ellender's (La.) amendment (suggested by this Department) to grant the Secretary of Agriculture priority given to Federal agencies under Sec. 12 of the Surplus Property Act (p. 9935).

3. TRANSPORTATION; LAND-GRANT RATES. Sens. Johnson, Colo., McFarland, Ariz., Wheeler, Mont., Moore, Okla., and Reed, Kans., were appointed conferees on H. R. 694, to amend the Transportation Act to remove the statutory obligation to transport military and naval traffic over land-grant railroads at 50% of their established tariff charges for such transportation (p. 9925). House conferees appointed Oct. 10.

4. MISSOURI VALLEY AUTHORITY. The Irrigation and Reclamation Committee reported adversely S. 555, to establish an MVA (S. Rept. 639). To Agriculture and Forestry Committee. (pp. 9917-8.)

5. NEW TAX BILL. Agreed to Sen. Barkley's (Ky.) request allowing the Finance Committee until Sat. midnight to file its report (p. 9926).

6. SMALLER WAR PLANTS CORPORATION. Received WPB's report on the SWPC for the period

Aug. 1 to Sept. 30, 1945. To Banking and Currency Committee. (p. 9916.)

7. LIVESTOCK; PRODUCTION AWARD. Sen. Capper, Kans., inserted a Topeka Daily Capital article on awards to a Kansas farm boy for livestock and farm production (p. 9923).

8. RESEARCH. Sen. Fulbright, Ark., discussed the need for deferment of science students and included Secretary of War Patterson's and a Purdue University students' letter on the subject (pp. 9939-41).

9. HOUSING; OPA. Sen. Taylor, Idaho, commended OPA's accomplishments and discussed the need for price ceilings on housing with respect to full employment and veterans' benefits, and included an International Teamster article on the subject (pp. 9935-7).

10. NOMINATIONS. The Foreign Relations Committee reported favorably the nomination of Spruille Braden to be an Assistant Secretary of State (p. 9946).
Confirmed the nomination of John F. Sonnett to be Assistant Attorney General (p. 9946).

11. INDUSTRIAL DECENTRALIZATION. Sen. McCarran, Nev., inserted a letter from several Senators and W. B. Rogers' (Conn. Development Commission) commending the work of the Special Committee to Investigate Industrial Decentralization (pp. 9916-7).

12. EMPLOYMENT. Sen. Murray, Mont., inserted his summary of S. 1456, to provide for the clarification of the status of the U.S. Employment Service (pp. 9922-3).

13. SURPLUS PROPERTY. Sen. O'Mahoney, Wyo., submitted the Military Affairs Committee report (pursuant to S. Res. 46, authorizing an investigation into war contracts and their termination) on surplus property disposal in Canada (S. Rept. 199, Pt. 4) (p. 9917).

14. ADJOURNED until Mon., Oct. 22 (p. 9946).

HOUSE

15. FIRST SUPPLEMENTAL SURPLUS APPROPRIATION-RESCISSION BILL, 1946. Agreed to resolution for consideration of this bill, H.R. 4407 (pp. 9969-75). During discussion on the resolution Rep. Cox, Ga., urged complete cooperation between management and capital, labor, and agriculture (p. 9971).

16. FEDERAL-AID AIRPORT BILL. Passed with amendment S. 2, the Federal-aid airport bill (pp. 9950-68). Agreed to Rep. Bulwinkle's (N.C.) amendment to substitute the language of H.R. 3615 (the House version) for that of S. 2 (the Senate version) (pp. 9965-8).

17. ACCOUNTING. Expenditures in the Executive Departments Committee reported without amendment H.R. 4350, relating to the issuance of checks in replacement of lost, etc., U.S. checks (H.Rept. 1132) (p. 9977).

18. SURPLUS PROPERTY. Rep. Weichel, Ohio, criticized publication procedures in surplus property disposal and cited an example (p. 9949).

BILLS INTRODUCED

19. EMPLOYMENT. H.R. 4437, by Rep. Ramspeck, Ga., to provide for the return of public employment offices to State operation. To Labor Committee. (p. 9978).

20. FLOOD CONTROL. H. R. 4438, by Rep. Whitten, Miss., to amend the Flood Control

Act, Public Law 228, 77th Cong., so as to increase the amount paid to States from moneys received by the U.S. on account of certain leases. To Flood Control Committee. (p. 9978).

21. SURPLUS PROPERTY. H.R. 4432, by Rep. Corbett, Pa., to authorize the disposal agencies under the Surplus Property Act to lend or donate surplus camping equipment to the Boy Scouts of America and other organizations. To Expenditures in the Executive Departments Committee. (p.9978)

22. EDUCATION. H.R. 4423, by Rep. Morrison, La., to recommend that colleges and universities give appropriate credit for work done and educational courses taken by individuals while serving in the armed forces. To Military Affairs Committee. (p.9978.) Remarks of author (p.9948).

23. SELECTIVE SERVICE. H.R. 4431, by Rep. Chenoweth, Colo., to terminate the Selective Training and Service Act. To Military Affairs Committee. (p. 9978.)

24. MINERALS. H. R. 4429, by Rep. Bartlett, Alaska, to amend the act providing for the suspension of annual assessment work on mining claims held by location in the U.S., including Alaska. To Mines and Mining Committee. (p. 9978.)

25. ACCOUNTING. S. 1490, by Sen. Hill, Ala., to amend Sec. 3646 of the Revised Statutes, relating to the issuance of checks in replacement of lost, stolen, destroyed, mutilated, or defaced U.S. checks. To Expenditures in the Executive Departments Committee. (p. 9918.)

26. WILDLIFE. S. 1496, by Sen. Saltonstall, Mass. (for himself and Sen. Walsh, Mass. to abolish the Parker River National Wildlife Refuge in Essex County Mass., to authorize and direct the restoration to the former owners of the land comprisin such refuge. To Agriculture and Forestry Committee. (p. 9918.)

27. POLITICAL ACTIVITIES. S. 1487, by Sen. Wiley, Wis., to amend the Federal Corrupt Practices Act, 1925, so as to prohibit political expenditures by national banks, corporations, and labor unions. To Privileges and Elections Committee. Remarks of author (p. 9921).

28. TERRITORIES; TRADE RELATIONS; SURPLUS PROPERTY. S. 1488, by Sen. Tydings, Md., to provide for the rehabilitation of the Philippine Islands. To Territories and Insular Affairs Committee. Remarks of author (pp. 9921-2).

29. PERSONNEL; VETERANS; LEAVE. S. 1489, by Sen. Johnson, Colo., to authorize payment for accumulated and accrued annual leave to persons whose civilian appointments were terminated pursuant to the Act of Dec. 22, 1942. To Military Affairs Committee. Remarks of author (p. 9922).

ITEMS IN APPENDIX

30. FULL EMPLOYMENT. Sen. Guffey, Pa., inserted his Farmers' Educational and Cooperative Union of America Convention address commending James Patton and urging full employment as an aid to the farmer (pp. A4709-10).

Sen. Murray, Mont., inserted David Lawrence's United States News article favoring early enactment of the full-employment bill (pp.A4715-6).

Rep. Rich, Pa., inserted G.S. Benson's (Harding College) statement favoring full employment but urging elimination of the "Townsend Plan" section and the provision that the Federal Government will underwrite employment through public works and expenditures (pp. A4720-2).

31. UNEMPLOYMENT COMPENSATION. Extension of remarks of Sen. Wagner, N.Y., favoring a single Federal unemployment-insurance system, and including an American Federationist article on the Wis. system (pp. A4713-4).

32. FOREIGN RELIEF. Extension of remarks of Rep. DeLacy, Wash., commending UNRRA and the United National Clothing Collection (pp. A4725-6).

33. SURPLUS PROPERTY. Extension of remarks of Rep. Buck, N.Y., including correspondence, criticizing Surplus Property Administration for their failure to make available to local government agencies surplus materials at nominal prices (pp. A4717-8).

34. OLEOMARGARINE. Sen. Maybank, S.C., inserted a Philadelphia Record editorial opposing oleomargarine taxes (p. A4727).

35. ST. LAWRENCE WATERWAY. Rep. Towe, N.J., inserted John Kortes' (Brotherhood of Locomotive Fireman and Enginemen) letter opposing this project (pp.A4739-40).

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COMMITTEE HEARINGS ANNOUNCEMENTS for Oct. 19: S. Education and Labor, 65¢ minimum wage bill; S. Military Affairs and Commerce, science program; S. Finance, tax bill (ex.); H. Expenditures in the Executive Departments, full-employment bill; H. Foreign Affairs, international interchange of persons, knowledge, and skills; H. Interstate, freight-rate agreements among carriers; H. Interstate, REA planning; H.Labor, minimum wage bills; H. Public Buildings and Grounds, public-buildings construction; H. Ways and Means, future trade relations with Philippines (ex.).

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For supplemental information and copies of legislative material referred to call Ext. 4654, or send to Room 112A. Arrangements may be made to be kept advised, routinely, of developments on any particular bill.

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79TH CONGRESS
1ST SESSION

S. 1490

IN THE SENATE OF THE UNITED STATES

OCTOBER 18, 1945

Mr. HILL introduced the following bill; which was read twice and referred to the Committee on Expenditures in the Executive Departments

A BILL

To amend section 3646 of the Revised Statutes, as amended, relating to the issuance of checks in replacement of lost, stolen, destroyed, mutilated, or defaced checks of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3646 of the Revised Statutes of the United States, as amended (U. S. C., title 31, sec. 528) is further amended to read as follows:

"(a) Except as hereinafter provided, whenever it is clearly proved to the satisfaction of the Secretary of the Treasury that any original check of the United States is lost, stolen, or wholly or partly destroyed, or is so mutilated

or defaced as to impair its value to its owner or holder, the Secretary of the Treasury is authorized, before the close of the fiscal year following the fiscal year in which the original check was issued, to transfer the amount of the original check from the account of the drawer to a special deposit account carried in the name of the Secretary of the Treasury on the books of the Treasurer of the United States, and to issue against such special deposit account to the owner or holder thereof a substitute under current date showing such information as may be necessary to identify the original check, upon the receipt and approval by the Secretary of the Treasury of an undertaking to indemnify the United States, in such form and amount and with such surety, sureties, or security, if any, as the Secretary of the Treasury may require; but no such substitute shall be payable if the original check shall first have been paid: *Provided,* That nothing herein contained shall be deemed to relieve any certifying officer or his sureties or any disbursing officer or his sureties of any liability to the United States on account of any payment resulting from the erroneous issuance of the original check: *And provided further,* That the authority herein conferred to issue substitute checks may, in the case of checks issued on account of public-debt obligations and transactions regarding the administration of bank-

ing and currency laws, be exercised without limitation of time.

"(b) An undertaking of indemnity shall not be required under subsection (a) of this section in any of the following classes of cases except as provided in this subsection: (1) If the Secretary of the Treasury is satisfied that the loss, theft, destruction, mutilation, or defacement, as the case may be, occurred without fault of the owner or holder and while the check was in the custody or control of the United States (including the postal service when carrying mail for any officer, employee, agent, or agency of the United States when performing services in connection with an official function of the United States, but not including the postal service when otherwise acting solely in its capacity as a public carrier of the mail), or of a person thereunto duly authorized as lawful agent of the United States, or while it was in the course of shipment effected pursuant to and in accordance with the regulations issued under the provisions of the Government Losses in Shipment Act; (2) if substantially the entire check is presented and surrendered by the owner or holder and the Secretary of the Treasury is satisfied as to the identity of the check presented and that any missing portions are not sufficient to form the basis of a valid claim against the United States; (3) if the Secretary of the Treasury is satisfied that

the original check is not negotiable and cannot be made the basis of a valid claim against the United States; (4) if the amount of the check is not more than $200; (5) if the owner or holder is the United States or an officer or employee thereof in his official capacity, a State, the District of Columbia, a Territory or possession of the United States, including the Commonwealth of the Philippine Islands, a municipal corporation or political subdivision of any of the foregoing, a corporation the whole of whose capital is owned by the United States, a foreign government, or a Federal Reserve bank: *Provided, however,* That in any of the foregoing classes of cases the Secretary of the Treasury may require an undertaking of indemnity if he deems it essential to the public interest.

"(c) Notwithstanding the provisions of subsections (a) and (b) of this section, whenever it is clearly proved to the satisfaction of the Secretary of the Treasury that any original check of the United States drawn on a depositary in a foreign country or a Territory or possession of the United States, including the Panama Canal Zone and the Philippine Islands, is lost, stolen, or wholly or partly destroyed, or is so mutilated or defaced as to impair its value to its owner or holder, the drawer of the original check or such other officer or employee of the United States as may be authorized by the Secretary of the Treasury with the concurrence of the head of the

department or agency upon whose behalf the original check was issued is authorized, before the close of the fiscal year following the fiscal year in which the original check was issued, to issue to the owner or holder thereof a substitute under current date showing such information as may be necessary to identify the original check, drawn against the account of the drawer of the original check or such other account as may be available for the payment of such substitute, upon the receipt and approval by the Secretary of the Treasury of an undertaking, to indemnify the United States, in such form and amount and with such surety, sureties, or security, if any, as the Secretary of the Treasury may require; but no such substitute shall be payable if the original check shall first have been paid. Nothing herein contained shall be deemed to relieve any certifying officer or his sureties or any disbursing officer or his sureties of any liability to the United States on account of any payment resulting from the erroneous issuance of the original check.

"(d) The Secretary of the Treasury shall have the power to make such rules and regulations as he may deem necessary for the administration of the provisions of this section.

"(e) Notwithstanding the provisions of subsections (a), (b), (c), and (d) of this section, whenever any

original check of the Post Office Department has been lost, stolen, or destroyed, the Postmaster General may authorize the issuance of a substitute, marked 'duplicate' and showing the number, date, and payee of the original check, before the close of the fiscal year following the fiscal year in which the original check was issued, upon the execution by the owner thereof of such bond of indemnity as the Postmaster General may prescribe: *Provided,* That when such original check does not exceed in amount the sum of $100 and the payee or owner is, at the date of the application, an officer or employee in the service of the Post Office Department, whether by contract, designation, or appointment, the Postmaster General may, in lieu of an indemnity bond, authorize the issuance of a substitute check or warrant upon such an affidavit as he may prescribe, to be made before any postmaster by the payee or owner of an original check.

"(f) Substitutes issued under this section, drawn on the Treasurer of the United States, except those for checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws, shall be deemed to be original checks and shall be payable under the conditions set forth in section 21 of the Permanent Appropriation Repeal Act, 1934 (U. S. C., title 31, sec. 725t). Substitutes for checks issued on account of public-

debt obligations and transactions regarding the administration of banking and currency laws shall be payable without limitation of time.

"(g) The term 'original check' wherever used in this section means any check, warrant, or other order for the payment of money, payable upon demand and not bearing interest, drawn by a duly authorized officer or agent of the United States, the District of Columbia, or the District Unemployment Compensation Board, on their behalf against an account or funds of the United States, the District of Columbia, or the District Unemployment Compensation Board, including instruments issued by any corporation or other entity owned or controlled by the United States, the funds of which are deposited and covered into the Treasury of the United States or deposited with the Treasurer of the United States, but does not include money, coins, or currency of the United States; as used in subsection (e) of this section it means such an instrument drawn by a duly authorized officer or employee of the Post Office Department.

"(h) Any power, authority, or discretion conferred upon the Secretary of the Treasury by this section may be delegated by him, in whole or in part, subject to such terms and conditions as he may prescribe, to such individuals as he may designate within the Treasury Department or to the head of any other department or agency of the Government

or of any Federal Reserve bank, and the head of such department or agency or Federal Reserve bank may, when such action is not inconsistent with the terms and conditions of the delegation by the Secretary of the Treasury, redelegate any power, authority, or discretion conferred upon him pursuant to this subsection to any officer or employee within such department, agency, or Federal Reserve bank."

SEC. 2. Sections 300 and 3647 of the Revised Statutes, as amended (U. S. C., title 31, sec. 119), are hereby repealed.

SEC. 3. This Act shall become effective on December 1, 1945.

79TH CONGRESS
1ST SESSION

S. 1490

A BILL

To amend section 3646 of the Revised Statutes, as amended, relating to the issuance of checks in replacement of lost, stolen, destroyed, mutilated, or defaced checks of the United States, and for other purposes.

By Mr. HILL

OCTOBER 18, 1945

Read twice and referred to the Committee on Expenditures in the Executive Departments

79TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } { No. 1132

REPLACEMENT OF GOVERNMENT CHECKS WHICH HAVE BEEN LOST OR DESTROYED

OCTOBER 18, 1945.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. MANASCO, from the Committee on Expenditures in the Executive Departments, submitted the following

REPORT

[To accompany H. R. 4350]

The Committee on Expenditures in the Executive Departments, to whom was referred the bill (H. R. 4350) to amend section 3646 of the Revised Statutes, as amended, relating to the issuance of checks in replacement of lost, stolen, destroyed, mutilated, or defaced checks of the United States, and for other purposes, having considered the same, report the bill back to the House without amendment and with the recommendation that it do pass.

The purpose of the bill is to liberalize the provisions of existing law relating to the duplication of lost and destroyed Government checks in order that unnecessary delay and expense to the owners of such checks may be eliminated and the administrative procedure in connection with the issuance of such substitute checks simplified.

H. R. 4350, by eliminating the requirement of present law that the duplicate check be drawn by the disbursing officer who issued the original check and by authorizing the Secretary of the Treasury to transfer the amount of the original check from the account of the drawer to a special deposit account and to issue the replacement check against that account, will avoid the difficulty and delay resulting from the undue amount of correspondence involved between the disbursing officer and the Treasury Department under the present procedure. This delay is accentuated in cases where the disbursing officer is situated in a remote part of the world, as has frequently been the situation in recent years.

The proposed legislation will also permit the issuance of substitute checks by the Secretary of the Treasury in cases where the disbursing officer who issued the original check is dead or has left the service. Sections 300 and 3647 of the Revised Statutes, as amended (U. S. C.,

title 31, sec. 119), which H. R. 4350 will repeal, require that in cases of this nature the substitute checks be issued only after a claim settlement by the General Accounting Office. In this connection the Treasury Department has advised your committee that an acute situation has arisen as a result of the recent retirement of G. F. Allen, Chief Disbursing Officer, Treasury Department. Unless H. R. 4350 is enacted into law before December 1, 1945, the date of the expiration of the period during which the Acting Chief Disbursing Officer may issue checks in replacement of original checks issued by Mr. Allen, such replacement checks may thereafter be issued only after a settlement by the General Accounting Office. Situations similar to that occurring as a result of the retirement of Mr. Allen have arisen in connection with military disbursing officers. The present procedure necessarily involves a considerable delay in the handling of thousands of requests for the issuance of replacement checks by members of the armed forces, their dependents, beneficiaries of the Veterans' Administration, and others who are in urgent need of the funds involved.

Under present law many requests for the issuance of duplicate checks are received so near to the close of the period during which they are payable by the Treasurer of the United States that there is insufficient time for the check to be issued and to reach the claimant and be negotiated by him before the expiration of the payment period. In such a case the owner of the original check must submit a new claim to the Government for settlement by the General Accounting Office. Under H. R. 4350 this situation will be ameliorated, since the new checks will bear current dates and will be payable for one full fiscal year after the fiscal year in which they are issued.

Existing law contains a general requirement that a bond of indemnity shall be furnished to support the issuance of a replacement check in any case where the original check was $50 or more in amount and was received by the payee. This requirement has caused a great deal of inconvenience and hardship to needy recipients of Government payments, including members of the armed forces and their dependents. These persons often have difficulty in obtaining sureties and in completing acceptable bonds of indemnity due to the formalities which must be observed in executing such instruments. By raising the amount for which a bond of indemnity will be required to $200, which amount will cover the bulk of payments made by the Government to individuals, the bill will eliminate a great deal of inconvenience to the public as well as time-consuming correspondence for the Government agencies concerned. The present provision that the Secretary of the Treasury may require an agreement of indemnity in any case where he deems it essential to the public interest is retained. In the special case of checks issued by the Post Office Department, the amount for which a bond of indemnity will be required is raised to $100.

H. R. 4350 also contains special provisions for the handling of cases involving the issuance of checks in replacement of original checks drawn against foreign depositaries.

As shown by the letters set forth below, the proposed legislation is recommended by the Treasury Department and has the approval of the General Accounting Office and the Bureau of the Budget. It is the opinion of your committee that the measure is meritorious, and prompt passage thereof is recommended.

TREASURY DEPARTMENT,
Washington 25, October 11, 1945.

The SPEAKER, HOUSE OF REPRESENTATIVES,
Washington, D. C.

MY DEAR MR. SPEAKER: There is transmitted herewith a proposed bill to amend section 3646 of the Revised Statutes, as amended, relating to the issuance of checks in replacement of lost, stolen, destroyed, mutilated, or defaced checks of the United States, and for other purposes.

The proposed legislation is designed to eliminate unnecessary delay and expense to payees or owners in obtaining new checks to replace lost, stolen, destroyed, or mutilated Government checks; to provide a basis for simplification of the administrative procedure in connection with the issuance of such checks; and to clarify existing provisions of relevant law and adapt them to present conditions.

Where a check is lost, stolen, destroyed, or mutilated, the procedure under present law requires the disbursing officer who issued the original check to issue also the replacement check. The difficulty and delay inherent in this procedure has been aggravated by present conditions. As a result of the world-wide operations of the Government, numerous disbursing officers are stationed at remote points abroad and on board ship where it is not easy to communicate with them. Moreover, because of frequent changes of station or assignment, the disbursing officer who drew the original check may not be available to draw a replacement check.

The proposed legislation would eliminate the foregoing difficulties by authorizing the Secretary of the Treasury, or an officer or employee of the United States designated by him, to issue the new checks. To simplify accounting, the amounts of the original checks would be transferred from the accounts of the drawers to a special-deposit account against which the new checks would be drawn.

Under existing law, the replacement check must be an exact duplicate of the original, bear the same date, and, with certain exceptions, must be presented for payment not later than the close of the fiscal year following the fiscal year in which the original was issued. In numerous cases requests for the issuance of duplicate checks are received so close to the end of the period during which they may be paid by the Treasurer of the United States that there is insufficient time for the check to be issued or, if issued, to reach the payee or owner and be negotiated by him before the expiration of that period. In such cases the amounts of the original checks are required by law to be covered into the outstanding liabilities trust fund, and the payees or owners must submit new claims to the Government for settlement by the General Accounting Office. The proposed bill provides that the new checks will bear current dates and will be payable for one full fiscal year after the fiscal year in which issued.

Under present law, a bond of indemnity, with sureties, is generally required from the payee or owner where a check for $50 or more has been received by the payee and is subsequently lost, stolen, destroyed, or mutilated. A great deal of inconvenience and hardship is being caused members of the armed forces, their dependents, and other needy recipients of Government payments as a result of this requirement. Payees or owners of lost, stolen, destroyed, or mutilated checks often experience great difficulty in obtaining sureties and also in completing acceptable bonds of indemnity due to the formalities which must be observed in executing such instruments. A great deal of time-consuming correspondence would be avoided if the amount for which no bond is required were raised to $200, as provided in the enclosed draft of bill. This amount would cover the bulk of payments which are made by the Government to individuals and would be more in keeping with present conditions.

Existing law requires that when an officer who issued an original check dies or leaves the service, a replacement check may be issued only after a claim settlement by the General Accounting Office. In this connection, an acute situation has arisen as the result of the retirement of G. F. Allen, Chief Disbursing Officer, Division of Disbursement, Treasury Department. Until December 1, the Acting Chief Disbursing Officer, pursuant to authority contained in the act of December 24, 1942 (56 Stat. 1086), will be authorized, subject to approval of the Secretary of the Treasury, to issue checks in replacement of checks issued by G. F. Allen, and subsequently lost, stolen, destroyed, or mutilated, but after that time there will be no authority to effect replacement of such checks except after a settlement in each case by the General Accounting Office. Similar problems have arisen in connection with military disbursing officers. In order to meet these situations, the repeal, as provided by the proposed legislation, of sections 300 and 3647 of the Revised Statutes, as amended (U. S. C., title 31, sec. 119), is deemed necessary.

The repeal of these two sections of the Revised Statutes would result in uniformity, in that it would enable the handling of requests for replacement of checks issued by disbursing officers who have died or left the service, in the same manner as similar requests involving active disbursing officers. Unless this is done there will be considerable delay in the handling of thousands of requests for new checks received from members of the armed forces, their dependents, Veterans' Administration beneficiaries, and others who can ill afford any delay in receipt of funds due them from the Government.

The proposed bill also contains provisions for handling cases where checks drawn against foreign depositaries are lost, stolen, destroyed, or mutilated.

At the request of the Post Office Department, there has been included in the bill a slight revision of the provisions of law relating to replacement of Post Office Department checks which are lost, stolen, or destroyed.

The proposed bill was drafted in collaboration with the General Accounting Office and has the approval of the Comptroller General of the United States. In this connection, there is enclosed a copy of a letter dated August 7, 1945, from the Comptroller General.

The Department would appreciate it if you would lay the matter before the House of Representatives. A similar communication has been transmitted to the President pro tempore of the Senate.

The Department has been advised by the Bureau of the Budget that there is no objection to the submission of this proposed legislation to the Congress.

Very truly yours,

D. W. Bell,
Acting Secretary of the Treasury.

General Accounting Office,
Washington, August 7, 1945.

The honorable the Secretary of the Treasury.

My Dear Mr. Secretary: I have your letter of July 19, 1945, transmitting a draft of proposed legislation to amend section 3646 of the Revised Statutes of the United States, as amended (31 U. S. C. 528), and to repeal sections 300 and 3647 of said Revised Statutes. You request to be advised whether there would be any objection from the viewpoint of the General Accounting Office to the enactment of such proposed legislation.

The proposed amendment, if enacted into law, would revise existing law with respect to the issuance of duplicates of lost, stolen, destroyed, mutilated, or defaced original checks—not more than one full fiscal year old—in a number of respects as stated in the memorandum accompanying your letter as follows:

"1. It would authorize the Secretary of the Treasury to issue new checks of current date called substitutes (instead of duplicate checks issued by disbursing officers) to replace lost, stolen, or destroyed checks.

"2. It would authorize the transfer of the amounts of such checks from the accounts of the drawers to a special deposit account against which the new checks would be drawn.

"3. It would authorize the use of undertakings of indemnity, without sureties in appropriate cases, instead of bonds of indemnity.

"4. It would authorize the acceptance of an application in case the amount of the check is not more than $200 (instead of less than $50), provided, however, an undertaking of indemnity might be required if deemed in the public interest.

"5. It would authorize the drawer of the original check, or such other officer or employee of the United States as might be authorized by the Secretary of the Treasury, to issue a new check to replace a lost, stolen, or destroyed check drawn against a foreign depositary.

"6. Since substitute checks would be new checks bearing current dates, they would be payable for one full fiscal year after the fiscal year in which issued, thus removing present year-end difficulties encountered in connection with the payment of duplicate checks.

"7. The Secretary of the Treasury would be authorized to delegate authority to issue substitute checks to the heads of other agencies, including Federal Reserve banks.

"8. It would provide for handling substitute checks in cases where the originals are drawn by disbursing officers who are no longer in the disbursing service of the United States in the same manner as other cases."

Under the proposed amendment section 3646 (a) would cover "any" check of the United States lost, stolen, or wholly or partly destroyed, or which is so mutilated or defaced as to impair its value to its owner or holder. That would appear broad enough to embrace checks coming within the purview of section 3647 of the Revised Statutes of the United States, as amended (31 U. S. C. 119), which presently authorizes the General Accounting Office to issue settlements involving such checks issued by disbursing officers who since have died or are no longer in the service. However, the proposed amendment specifically provides for the repeal of sections 300 and 3647 of the Revised Statutes, as amended. So far as the General Accounting Office is concerned, no objection is perceived to that phase of the amendment having in view that said amendment would make uniform the procedure in respect of the issuance of substitutes for all current checks lost, stolen, or destroyed.

Since the other proposed changes, as elaborated upon in the memorandum accompanying your letter, apparently would eliminate numerous difficulties persently confronting the Treasury Department in the administration of section 3646 of the Revised Statutes, as amended, the General Accounting Office interposes no objection to the enactment of legislation effecting such changes.

Respectfully,

LINDSAY C. WARREN,
Comptroller General of the United States.

CHANGES IN EXISTING LAW

In compliance with paragraph 2a of rule XIII of the Rules of the House of Representatives, changes in existing law (Revised Statutes) made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets and new matter is printed in italic):

SEC. 3646. (a) Except as hereinafter provided, whenever it is clearly proved to the satisfaction of the Secretary of the Treasury that any original check of the United States is lost, stolen, or wholly or partly destroyed, or is so mutiliated or defaced as to impair its value to its owner or holder, [persons authorized to issue such checks on behalf of the United States are] *the Secretary of the Treasury is* authorized, before the close of the fiscal year following the fiscal year in which the original check was issued[,] *to transfer the amount of the original check from the account of the drawer to a special deposit account carried in the name of the Secretary of the Treasury on the books of the Treasurer of the United States, and* to issue *against such special deposit account* to the owner or holder thereof a substitute *under current date*[, marked "duplicate" and] showing [the number, date, and payee, of the original check,] *such information as may be necessary to identify the original check,* upon the receipt and approval by the Secretary of the Treasury of [a bond] *an undertaking,* to indemnify the United States in such form and amount and with such surety, sureties, or security, *if any,* as the Secretary of the Treasury [shall] *may* require; but no such substitute shall be payable if the original check shall first have been paid: *Provided,* [*however,*] *That nothing herein contained shall be deemed to relieve any certifying officer or his sureties or any disbursing officer or his sureties of any liability to the United States on account of any payment resulting from the erroneous issuance of the original check: And provided further,* That the authority herein conferred to issue substitute checks may, in the case of checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws, be [issued] *exercised* without limitation of time.

(b) [A bond] *An undertaking* of indemnity shall not be required under subsection (a) of this section in any of the following classes of cases except as provided in this subsection: (1) If the Secretary of the Treasury is satisfied that the loss, theft, destruction, mutilation, or defacement, as the case may be, occurred without fault of the owner or holder and while the check was in the custody or control of the United States (including the Postal Service when carrying mail for any officer, employee, agent or agency of the United States when performing services in connection with an official function of the United States, but not including the Postal Service when otherwise acting solely in its capacity as a public carrier of the mail), or of a person thereunto duly authorized as lawful agent of the United States, or while it was in the course of shipment effected pursuant to and in accordance with the regulations issued under the Government

Losses in Shipment Act; (2) if substantially the entire check is presented and surrendered by the owner or holder and the Secretary of the Treasury is satisfied as to the identity of the check presented and that any missing portions are not sufficient to form the basis of a valid claim against the United States; (3) if the Secretary of the Treasury is satisfied that the original check is not negotiable and cannot be made the basis of a valid claim against the United States; (4) if the amount of the check is [less] *not more* than [$50] *$200* [and the Secretary of the Treasury is satisfied that the giving of a bond of indemnity would be an undue hardship to the owner or holder]; (5) if the owner or holder is the United States or an officer or employee thereof in his official capacity, a State, the District of Columbia, a Territory or possession of the United States, including the Commonwealth of the Philippine Islands, a municipal corporation or political subdivision of any of the foregoing, a corporation the whole of whose capital is owned by the United States, a foreign government, or a Federal Reserve bank: *Provided, however,* That in any of the foregoing classes of cases the Secretary of the Treasury may require [a bond] *an undertaking* of indemnity if he deems it essential to the public interest.

(c) *Notwithstanding the provisions of subsections (a) and (b) of this section whenever it is clearly proved to the satisfaction of the Secretary of the Treasury that any original check of the United States drawn on a depositary in a foreign country or a Territory or possession of the United States, including the Panama Canal Zone and the Philippine Islands, is lost, stolen, or wholly or partly destroyed, or is so mutilated or defaced as to impair its value to its owner or holder, the drawer of the original check or such other officer or employee of the United States as may be authorized by the Secretary of the Treasury with the concurrence of the head of the department or agency upon whose behalf the original check was issued is authorized, before the close of the fiscal year following the fiscal year in which the original check was issued, to issue to the owner or holder thereof a substitute under current date showing such information as may be necessary to identify the original check, drawn against the account of the drawer of the original check or such other account as may be available for the payment of such substitute, upon the receipt and approval by the Secretary of the Treasury of an undertaking, to indemnify the United States, in such form and amount and with such surety, sureties, or security, if any, as the Secretary of the Treasury may require; but no such substitute shall be payable if the original check shall first have been paid. Nothing herein contained shall be deemed to relieve any certifying officer or his sureties or any disbursing officer or his sureties of any liability to the United States on account of any payment resulting from the erroneous issuance of the original check.*

[(c)] (*d*) The Secretary of the Treasury shall have the power to make such rules and regulations as he may deem necessary for the administration of the provisions of this section.

[(d)] (*e*) Notwithstanding the provisions of subsections (a), (b), [and] (c) *and (d)* of this section, whenever any original check of the Post Office Department has been lost, stolen, or destroyed, the Postmaster General may authorize the issuance of a substitute, marked "duplicate" and showing the number, date, and payee of the original check, before the close of the fiscal year following the fiscal year in which the original check was issued, upon the execution by the owner thereof of such bond of indemnity as the Postmaster General may prescribe: *Provided,* That when such original check does not exceed in amount the sum of [$50] *$100* and the payee or owner is, at the date of the application, an officer or employee in the service of the Post Office Department, whether by contract, designation, or appointment, the Postmaster General may, in lieu of an indemnity bond, authorize the issuance of a substitute check or warrant upon such an affidavit as he may prescribe, to be made before any postmaster by the payee or owner of an original check.

[(e) Substitutes, marked as provided in this section, drawn on the Treasurer of the United States, shall, after the lapse of the period fixed by section 21 of the Permanent Appropriation Repeal Act, 1934 (48 Stat. 1235; U. S. C., 1934 edition, title 31, sec. 725 (t)), for the payment of the original checks, be payable only as the original checks would be payable thereunder.]

(*f*) *Substitutes issued under this section, drawn on the Treasurer of the United States, except those for checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws, shall be deemed to be original checks and shall be payable under the conditions set forth in section 21 of the Permanent Appropriation Repeal Act, 1934 (U. S. C., title 31, sec. 725t). Substitutes for checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws shall be payable without limitation of time.*

[(f)] (*g*) The term "original check" wherever used in this section means any check, warrant, or other order for the payment of money, payable upon demand and not bearing interest, drawn by a duly authorized officer or agent of the United States, the District of Columbia, or the District Unemployment Compensation Board, on their behalf against an account or funds of the United States, the District of Columbia, or the District Unemployment Compensation Board, including instruments issued by any corporation or other entity owned or controlled by the United States, the funds of which are deposited and covered into the Treasury of the United States or deposited with the Treasurer of the United States, but does not include money, coins, or currency of the United States; as used in subsection [(d)] (*e*) of this section it means such an instrument drawn by a duly authorized officer or employee of the Post Office Department.

(*h*) *Any power, authority, or discretion conferred upon the Secretary of the Treasury by this section may be delegated by him, in whole or in part, subject to such terms and conditions as he may prescribe, to such individuals as he may designate within the Treasury Department or to the head of any other department or agency of the Government or of any Federal Reserve bank, and the head of such department or agency or Federal Reserve bank may, when such action is not inconsistent with the terms and conditions of the delegation by the Secretary of the Treasury, redelegate any power, authority, or discretion conferred upon him pursuant to this subsection to any officer or employee within such department, agency, or Federal Reserve bank.*

SECTIONS 300 AND 3647 OF THE REVISED STATUTES, AS AMENDED (U. S. C., TITLE 31, SEC. 119)

SECS. 300, 3647. [Whenever the disbursing officer or agent by whom was issued any original check which has een lost, destroyed, or stolen, is dead, or no longer in the service of the United States, the General Accounting Office shall state an account in favor of the owner of such original check for the amount thereof, and charge such amount to the account of such officer or agent: *Provided*, That in case a check drawn by any officer or agent of the Post Office Department is lost, stolen, or destroyed, a duplicate thereof may be issued under regulations prescribed by the Postmaster General, as set forth in section thirty-six hundred and forty-six.]

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Union Calendar No. 339

79TH CONGRESS
1ST SESSION

H. R. 4350

[Report No. 1132]

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 10, 1945

Mr. MANASCO introduced the following bill; which was referred to the Committee on Expenditures in the Executive Departments

OCTOBER 18, 1945

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To amend section 3646 of the Revised Statutes, as amended, relating to the issuance of checks in replacement of lost, stolen, destroyed, mutilated, or defaced checks of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3646 of the Revised Statutes of the United States, as amended (U. S. C., title 31, sec. 528), is further amended to read as follows:

"(a) Except as hereinafter provided, whenever it is clearly proved to the satisfaction of the Secretary of the Treasury that any original check of the United States is lost, stolen, or wholly or partly destroyed, or is so mutilated

or defaced as to impair its value to its owner or holder, the Secretary of the Treasury is authorized, before the close of the fiscal year following the fiscal year in which the original check was issued to transfer the amount of the original check from the account of the drawer to a special deposit account carried in the name of the Secretary of the Treasury on the books of the Treasurer of the United States, and to issue against such special deposit account to the owner or holder thereof a substitute under current date showing such information as may be necessary to identify the original check, upon the receipt and approval by the Secretary of the Treasury of an undertaking to indemnify the United States, in such form and amount and with such surety, sureties, or security, if any, as the Secretary of the Treasury may require; but no such substitute shall be payable if the original check shall first have been paid: *Provided*, That nothing herein contained shall be deemed to relieve any certifying officer or his sureties or any disbursing officer or his sureties of any liability to the United States on account of any payment resulting from the erroneous issuance of the original check: *And provided further*, That the authority herein conferred to issue substitute checks may, in the case of checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws, be exercised without limitation of time.

"(b) An undertaking of indemnity shall not be required under subsection (a) of this section in any of the following classes of cases except as provided in this subsection: (1) If the Secretary of the Treasury is satisfied that the loss, theft, destruction, mutilation, or defacement, as the case may be, occurred without fault of the owner or holder and while the check was in the custody or control of the United States (including the postal service when carrying mail for any officer, employee, agent, or agency of the United States when performing services in connection with an official function of the United States, but not including the postal service when otherwise acting solely in its capacity as a public carrier of the mail), or of a person thereunto duly authorized as lawful agent of the United States, or while it was in the course of shipment effected pursuant to and in accordance with the regulations issued under the provisions of the Government Losses in Shipment Act; (2) if substantially the entire check is presented and surrendered by the owner or holder and the Secretary of the Treasury is satisfied as to the identity of the check presented and that any missing portions are not sufficient to form the basis of a valid claim against the United States; (3) if the Secretary of the Treasury is satisfied that the original check is not negotiable and cannot be made the basis of a valid claim against the United States; (4) if the amount of the check is not more than $200; (5) if the owner

or holder is the United States or an officer or employee thereof in his official capacity, a State, the District of Columbia, a Territory or possession of the United States, including the Commonwealth of the Philippine Islands, a municipal corporation or political subdivision of any of the foregoing, a corporation, the whole of whose capital is owned by the United States, a foreign government, or a Federal Reserve bank: *Provided, however,* That in any of the foregoing classes of cases the Secretary of the Treasury may require an undertaking of indemnity if he deems it essential to the public interest.

"(c) Notwithstanding the provisions of subsections (a) and (b) of this section whenever it is clearly proved to the satisfaction of the Secretary of the Treasury that any original check of the United States drawn on a depositary in a foreign country or a Territory or possession of the United States, including the Panama Canal Zone and the Philippine Islands, is lost, stolen, or wholly or partly destroyed, or is so mutilated or defaced as to impair its value to its owner or holder, the drawer of the original check or such other officer or employee of the United States as may be authorized by the Secretary of the Treasury with the concurrence of the head of the department or agency upon whose behalf the original check was issued is authorized, before the close of the fiscal year following the fiscal year in which the original check

was issued, to issue to the owner or holder thereof a substitute under current date showing such information as may be necessary to identify the original check, drawn against the account of the drawer of the original check or such other account as may be available for the payment of such substitute, upon the receipt and approval by the Secretary of the Treasury of an undertaking, to indemnify the United States, in such form and amount and with such surety, sureties, or security, if any, as the Secretary of the Treasury may require; but no such substitute shall be payable if the original check shall first have been paid. Nothing herein contained shall be deemed to relieve any certifying officer or his sureties or any disbursing officer or his sureties of any liability to the United States on account of any payment resulting from the erroneous issuance of the original check.

"(d) The Secretary of the Treasury shall have the power to make such rules and regulations as he may deem necessary for the administration of the provisions of this section.

"(e) Notwithstanding the provisions of subsections (a), (b), (c), and (d) of this section, whenever any original check of the Post Office Department has been lost, stolen, or destroyed, the Postmaster General may authorize the issuance of a substitute, marked 'duplicate' and showing the number, date, and payee of the original check, before

the close of the fiscal year following the fiscal year in which the original check was issued, upon the execution by the owner thereof of such bond of indemnity as the Postmaster General may prescribe: *Provided*, That when such original check does not exceed in amount the sum of $100 and the payee or owner is, at the date of the application, an officer or employee in the service of the Post Office Department, whether by contract, designation, or appointment, the Postmaster General may, in lieu of an indemnity bond, authorize the issuance of a substitute check or warrant upon such an affidavit as he may prescribe, to be made before any postmaster by the payee or owner of an original check.

"(f) Substitutes issued under this section, drawn on the Treasurer of the United States, except those for checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws, shall be deemed to be original checks and shall be payable under the conditions set forth in section 21 of the Permanent Appropriation Repeal Act, 1934 (U. S. C., title 31, sec. 725t). Substitutes for checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws shall be payable without limitation of time.

"(g) The term 'original check' wherever used in this section means any check, warrant, or other order for the

payment of money, payable upon demand and not bearing interest, drawn by a duly authorized officer or agent of the United States, the District of Columbia, or the District Unemployment Compensation Board, on their behalf against an account or funds of the United States, the District of Columbia, or the District Unemployment Compensation Board, including instruments issued by any corporation or other entity owned or controlled by the United States, the funds of which are deposited and covered into the Treasury of the United States or deposited with the Treasurer of the United States, but does not include money, coins, or currency of the United States; as used in subsection (e) of this section it means such an instrument drawn by a duly authorized officer or employee of the Post Office Department.

"(h) Any power, authority, or discretion conferred upon the Secretary of the Treasury by this section may be delegated by him, in whole or in part, subject to such terms and conditions as he may prescribe, to such individuals as he may designate within the Treasury Department or to the head of any other department or agency of the Government or of any Federal Reserve bank, and the head of such department or agency or Federal Reserve bank may, when such action is not inconsistent with the terms and conditions of the delegation by the Secretary of the Treasury, redelegate any power, authority, or discretion conferred upon him pur-

suant to this subsection to any officer or employee within such department, agency, or Federal Reserve bank."

SEC. 2. Sections 300 and 3647 of the Revised Statutes, as amended (U. S. C., title 31, sec. 119), are hereby repealed.

SEC. 3. This Act shall become effective on December 1, 1945.

Union Calendar No. 339

79TH CONGRESS
1ST SESSION

H. R. 4350

[Report No. 1132]

A BILL

To amend section 3646 of the Revised Statutes, as amended, relating to the issuance of checks in replacement of lost, stolen, destroyed, mutilated, or defaced checks of the United States, and for other purposes.

By Mr. MANASCO

OCTOBER 10, 1945

Referred to the Committee on Expenditures in the Executive Departments

OCTOBER 18, 1945

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

step away from the objectives outlined above, in which we believe.

Sincerely,

WALTER F. GEORGE, ELMER THOMAS, H. M. KILGORE, JOSEPH C. O'MAHONEY, A. B. CHANDLER, E. H. MOORE, CHAN GURNEY, WARREN G. MAGNUSON, HARLAN J. BUSHFIELD, CLYDE R. HOEY, ARTHUR CAPPER, WILLIAM F. KNOWLAND, J. W. FULBRIGHT, HENRIK SHIPSTEAD, JAMES E. MURRAY, WILLIAM LANGER, DENNIS CHAVEZ, LISTER HILL, B. B. HICKENLOOPER, CLAUDE PEPPER, GEO. A. WILSON, ED. C. JOHNSON, TOM STEWART, PAT MCCARRAN, ABE MURDOCK, E. V. ROBERTSON, KENNETH MCKELLAR, M. E. TYDINGS, J. H. BANKHEAD, JOHN L. MCCLELLAN, RICHARD B. RUSSELL, BURNET R. MAYBANK, EUGENE D. MILLIKIN, GUY CORDON, HUGH BUTLER, ALEXANDER WILEY, CHAPMAN REVERCOMB, CHARLES O. ANDREWS, GLEN TAYLOR, THEO. G. BILBO, FRANK P. BRIGGS, JOHN H. OVERTON, WAYNE MORSE, JOHN THOMAS, JAMES O. EASTLAND, SHERIDAN DOWNEY, ROBERT M. LA FOLLETTE, JR., GEORGE L. RADCLIFFE, TOM CONNALLY.

HARTFORD, CONN., *October 10, 1945.*

Hon. PAT MCCARRAN,
United States Senate,
Washington, D. C.:

Congratulations upon your clear-cut and clean-cut explanation of your conception of deindustrialization before Senate subcommittee Tuesday. Although of the opposite political party, I have always believed you to be one of the able and fair-minded Members of our august Senate and have doubted from the beginning of this matter that your objective was to leave industrialized New England without industry. I consider your energizing statements most wholesome.

WILLARD B. ROGERS,
Chairman,
Connecticut Development Commission.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BREWSTER, from the Committee on Naval Affairs:

S. 473. A bill relating to pay and allowances of officers of the retired list of the Regular Navy and Coast Guard performing active duty in the rank of rear admiral; without amendment (Rept. No. 640).

By Mr. WALSH, from the Committee on Naval Affairs:

S. 1438. A bill to provide additional inducements to citizens of the United States to make the United States Navy a career; with amendments (Rept. No. 641).

By Mr. O'DANIEL, from the Committee on Claims:

S. 1142. A bill for the relief of Florence Barrows; without amendment (Rept. No. 642);

S. 1296. A bill for the relief of John A. Hatcher; with an amendment (Rept. No. 643); and

H. R. 851. A bill for the relief of Oscar R. Steinert; with an amendment (Rept. No. 644).

By Mr. ELLENDER, from the Committee on Claims:

S. 1034. A bill for the relief of John C. May and Eva Jenkins May; with an amendment (Rept. No. 645).

By Mr. MORSE, from the Committee on Claims:

H. R. 1465. A bill for the relief of the State of California; without amendment (Rept. No. 646)

By Mr. JOHNSTON of South Carolina, from the Committee on Claims:

S. 1122. A bill for the relief of Charles Bryan; without amendment (Rept. No. 647);

S. 1131. A bill for the relief of Jess Hudson; with an amendment (Rept. No. 648);

H. R. 1563. A bill for the relief of N. Owen Oxley and the legal guardian of Lamar Oxley, a minor; without amendment (Rept. No. 649); and

H. R. 1890. A bill for the relief of the estate of Peter G. Fabian, deceased; with an amendment (Rept. No. 650).

By Mr. CAPPER, from the Committee on Claims:

H. R. 2172. A bill for the relief of J. Clyde Marquis; without amendment (Rept. No. 651).

By Mr. LUCAS, from the Committee to Audit and Control the Contingent Expenses of the Senate:

S. Res. 179. Resolution creating a special committee to investigate problems relating to the development, use, and control of atomic energy; without additional amendment.

REORGANIZATION OF GOVERNMENT AGENCIES—REPORT ON SENATE BILL 1120

Mr. MCCARRAN. Mr. President, from the Committee on the Judiciary, I report favorably with an amendment Senate bill 1120, to provide for the reorganization of Government agencies, and for other purposes, and I submit a report (No. 638) thereon. I solicit and urge that every Senator read the report and the bill, because the matter is one which affects the Government of the United States most vitally, and it will be before the Senate for extended discussion.

The PRESIDENT pro tempore. The report will be received, and the bill will be placed on the calendar.

REPORT OF SURPLUS-PROPERTY DISPOSAL IN CANADA (PT. 4 OF REPT. NO. 199)

Mr. O'MAHONEY. Mr. President, from the Committee on Military Affairs, I submit a report pursuant to Senate Resolution 46, authorizing an investigation of war contracts, termination of war contracts, and related problems.

The PRESIDENT pro tempore. The report will be received and printed.

MISSOURI VALLEY AUTHORITY—REPORT OF COMMITTEE ON IRRIGATION AND RECLAMATION (REPT. NO. 639)

Mr. OVERTON. Mr. President, from the Committee on Irrigation and Reclamation I submit an adverse report on Senate bill 555, to establish a Missouri Valley Authority to provide for unified water control and resource development on the Missouri River and surrounding region in the interest of the control and prevention of floods, the promotion of navigation and reclamation of the public lands, the promotion of family-type farming, the development of the recreational possibilities and the promotion of the general welfare of the area, the strengthening of the national defense, and for other purposes, known as the Missouri Valley Authority bill, accompanied by a revision of the bill made by the Committee on Irrigation and Reclamation.

The PRESIDENT pro tempore. Without objection——

Mr. MURRAY. Mr. President——

The PRESIDENT pro tempore. For what purpose does the Senator rise?

Mr. MURRAY. I rise to interrogate the Senator with reference to the report. I understand that the hearings have not been printed, and that there is an intention to file a minority report in connection with this matter. I ask that the majority report be withheld until the minority report can be prepared. Of course, we have been anticipating this adverse report, but it seems to me that in the interest of placing both sides of the question before the Senate we ought to be permitted to file a minority report at the same time the majority report is filed.

The PRESIDENT pro tempore. Does the Senator from Montana object?

Mr. MURRAY. Yes; I object. I ask that the majority report be withheld until the minority report is ready.

Mr. OVERTON. Mr. President, I cannot accede to that suggestion. A member of the Committee on Irrigation and Reclamation who desired to submit a minority report suggested that he wanted to do so when the full committee was in session. The full committee instructed me to file the majority report today, and I am complying with that duty. The committee has a right to file its majority report. A minority report may be submitted at any time.

The PRESIDENT pro tempore. The Chair will state to the Senator from Montana that the Parliamentarian advises the Chair that the Senator from Louisiana is privileged to submit his report, and that the Senator from Montana may file a minority report at any time.

Mr. MURRAY. Mr. President, I regret very much to hear that ruling, because reports adverse to our bill have been coming to the Senate with great rapidity. I think it would be only fair if the majority report were withheld until the minority are able to set forth their views.

The PRESIDENT pro tempore. Of course, the Senator may appeal from the ruling of the Chair.

Mr. OVERTON. Mr. President, I should be very glad to accede to the request of the Senator from Montana; but the people throughout the Missouri River Basin, and practically all over the United States, are waiting for this report, and are crying for it.

Mr. MURRAY. Mr. President, in response I should like to say that polls which have been taken in the Missouri Valley have indicated that two-thirds of the people there are in favor of the Missouri Valley Authority, and that it is only a very small, special interest group with great wealth, of course, that is fighting the bill and undertaking to block its progress through the Senate.

Mr. OVERTON. Mr. President, I should like to make one other observation.

The PRESIDENT pro tempore. The Senator from Wyoming has the floor.

Mr. OVERTON. Mr. President, will the Senator yield to me?

Mr. O'MAHONEY. I yield.

Mr. OVERTON. Nine of the governors of the 10 Missouri Valley States have met and have resolved against this bill. A count of the newspapers in the Missouri Basin indicates that, 10 to 1, they have come out editorially against this bill. All the irrigation companies in the Missouri River Basin are on record as being against this bill. Whatever legislatures of the Missouri Basin States have acted

on this bill—and several of them have acted—have adopted resolutions against it.

The PRESIDENT pro tempore. The report on Senate bill 555 will be referred to the Committee on Agriculture and Forestry, under the provisions of Senate Resolution 97, agreed to March 15, 1945.

Mr. MURRAY. Mr. President, I should like again to refer briefly to the Missouri Valley Authority bill. I wish to say that the statement made by the distinguished senior Senator from Louisiana to the effect that the press of that area is opposed to this proposed legislation is not correct. The leading newspapers of the Missouri Valley area are supporting this measure. Both of the two great newspapers of St. Louis, the St. Louis Post-Dispatch and the St. Louis Star-Times, are supporting this bill. Two-thirds of the people of the valley have signified their approval of the bill, by polls. The opposition to the bill is by a special industry which is opposed to a bill because of a fear it might affect its interests, but which would be of tremendous benefit in the development of that area and of enormous benefit to the Nation as a whole. I think we should be permitted to submit our minority views in connection with this matter at the same time that the majority report is being filed.

The PRESIDENT pro tempore. The Senator can submit minority views at any time and they will be received and printed.

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. BARKLEY, from the Joint Select Committee on the Disposition of Executive Papers, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Archivist of the United States that appeared to have no permanent value or historical interest, submitted a report thereon pursuant to law.

REPORT OF JOINT INAUGURAL COMMITTEE

Mr. BYRD. Mr. President, I submit a report of the Joint Inaugural Committee, showing an expenditure of $526.02 for the inauguration of January 20, 1945.

An appropriation of $25,000 was made on September 24, 1944, and, of this amount, $24,473.98 is being returned to the Treasury.

I ask unanimous consent that the report may be printed in the RECORD.

There being no objection, the report submitted by Mr. BYRD was ordered to be printed in the RECORD, as follows:

Expenses of inaugural ceremonies, fiscal year 1945

Payee	Description of payment	Amount
Max Scher	Blueprints	$39.43
Times-Herald	Advertising	2.40
The Washington Post	do	2.20
The Evening Star	do	2.20
Washington Daily News	do	2.04
U. S. Bureau of Engraving and Printing	Invitations	477.75
Total		526.02
Balance		24,473.98
Total		25,000.00

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

(Mr. WILEY introduced Senate bill 1487, which was referred to the Committee on Privileges and Elections, and appears under a separate heading.)

(Mr. TYDINGS introduced Senate bill 1488, which was referred to the Committee on Territories and Insular Affairs, and appears under a separate heading.)

(Mr. JOHNSON of Colorado (for Mr. THOMAS of Utah) introduced Senate bill 1489, which was referred to the Committee on Military Affairs, and appears under a separate heading.)

By Mr. HILL:

S. 1490. A bill to amend section 3646 of the Revised Statutes, as amended, relating to the issuance of checks in replacement of lost, stolen, destroyed, mutilated, or defaced checks, of the United States, and for other purposes; to the Committee on Expenditures in the Executive Departments.

By Mr. WALSH:

S. 1491. A bill to adjust the pay and allowances of members of the Navy Nurse Corps, and for other purposes;

S. 1492. A bill to reimburse certain Navy personnel and former Navy personnel for personal property lost or damaged as the result of a fire in building No. 141 at the United States naval repair base, San Diego, Calif., on May 1, 1945;

S. 1493. A bill to authorize the head of the postgraduate school of the United States Navy to confer masters and doctors degrees in engineering and related fields;

S. 1494. A bill to exempt Navy or Coast Guard vessels of special construction from the requirements as to the number, position, range, or arc of visibility of lights, and for other purposes; and

S. 1495. A bill for the relief of Constantine N. Perkins; to the Committee on Naval Affairs.

By Mr. SALTONSTALL (for himself and Mr. WALSH):

S. 1496. A bill to abolish the Parker River National Wildlife Refuge in Essex County, Mass., to authorize and direct the restoration to the former owners of the land comprising such refuge, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. MURRAY (for himself, Mr. HAYDEN, Mr. MCFARLAND, and Mr. TAYLOR):

S. 1497. A bill for the relief of the owners of certain gold mines which were closed or the operations of which were curtailed by War Production Board Limitation Order L-208; to the Committee on Claims.

By Mr. WHEELER:

S. 1498. A bill authorizing the Secretary of the Interior to issue a patent in fee to Claude E. Milliken;

S. 1499. A bill authorizing the Secretary of the Interior to issue a patent in fee to Emma Croff Adams;

S. 1500. A bill authorizing the Secretary of the Interior to convey certain lands in the State of Montana to Peter Tange;

S. 1501. A bill authorizing the Secretary of the Interior to issue a patent in fee to Clarence M. Scott; and

S. 1502. A bill authorizing the Secretary of the Interior to sell certain lands in the State of Montana to Fred Clark; to the Committee on Indian Affairs.

By Mr. LUCAS:

S. 1503. A bill for the relief of Lewis L. Dudley; and

S. 1504. A bill for the relief of Edith Roberta Moore; to the Committee on Claims.

(Mr. O'MAHONEY (for himself, Mr. MURRAY, Mr. REVERCOMB, Mr. WHERRY, Mr. MCCLELLAN, Mr. MITCHELL, Mr. TAYLOR, Mr. MAYBANK, and Mr. ROBERTSON) introduced Senate Joint Resolution 109, which was passed, and appears under a separate heading.)

EXEMPTION FROM CERTAIN PROVISIONS OF LAW OF COUNSEL OF PEARL HARBOR COMMITTEE

Mr. BARKLEY. Mr. President, I send to the desk a joint resolution providing that the counsel of the committee to investigate the Pearl Harbor disaster shall be exempted from certain provisions of law. I ask that the joint resolution be referred to the appropriate committee.

The PRESIDENT pro tempore. Without objection, it is so ordered.

By Mr. BARKLEY:

S. J. Res. 110. Joint resolution to limit the operation of sections 109 and 113 of the Criminal Code, and sections 361, 365, and 366 of the Revised Statutes, and certain other provisions of law; to the Committee on the Judiciary.

DISPOSAL OF GOVERNMENT-OWNED ALUMINUM FACILITIES

Mr. WILEY obtained the floor.

Mr. O'MAHONEY. Mr. President, will the Senator from Wisconsin yield to me?

Mr. WILEY. I yield.

Mr. O'MAHONEY. Mr. President, on September 21 of this year, in compliance with the Surplus Property Act, the Surplus Property Board submitted to the Congress a report on the disposal of the aluminum facilities owned by the Government of the United States. These facilities were built during the period of the war at a cost to the Government in excess of $700,000,000. The problem of what the Government shall do with these plants is one of the most momentous questions now before the people. The report was submitted to the Military Affairs Committee and by that committee to the Subcommittee on Surplus Property. The subcommittee was unable to begin hearings upon the report until Monday last. Circumstances were such that it was altogether beyond the power of the committee to assemble prior to that date. The 30-day period, however, will expire before the end of this week. The hearings have been conducted by three committees, namely, the Committee on Small Business, which studied the problem of light metals over a long period, and submitted a very illuminating report earlier in the year; the Industrial Reorganization Subcommittee of the Special Select Committee on Postwar Economic Policy and Planning; and the legislative committee, the subcommittee of the Committee on Military Affairs.

Great interest was displayed in the hearings. Many Members of the Senate who are not members of the committee have participated, and several Members of the House of Representatives have come from the other Chamber to participate in the hearings.

The members of the committee have come to the conclusion that it is highly desirable in the public interest to extend the period of 30 days within which, under the Surplus Property Act, disposal may not be made. I am therefore authorized to introduce a joint resolution on behalf of Senators who are present this morning, the Senator from Montana [Mr. MURRAY], who is chairman of the Small Business Committee, and also a member of the Committee on Military Affairs; the Senator from West Virginia

It is one thing to fight weapons with weapons. It is another matter to repeatedly run the risk of armed ambush, having nothing with which to fight off the attacks which often broke through the convoys—nothing, that is, except skill and daring and heroism of a very high order. The men of the merchant marine knew the great odds they faced, but they did not quit. They won the first, the critical, the all-important battle of supply.

They were in action, even before our Navy formally entered the fight. They served long and bravely. They suffered death and disability. Their contribution to victory has never been fully recognized by our people. The Englishman knows. The Russian knows. But they are not here, in this Congress, to speak for the men of the merchant marine.

We are.

Their war service, constantly exposed to enemy action, was indispensable to victory. Like others who fought, they ask only that we make some provision for their adjustment in civilian life.

The Merchant Seamen's War Service Act, H. R. 2346, provides for death benefits for surviving dependents; disability benefits; education and training; employment rights; and loans for the purchase of construction of homes, farms and business property.

Some of these men are survivors of several sinkings. At sea, they slept in their clothes, for there was no telling when they might be torpedoed, or how long they might be adrift in open boats, in Arctic seas. They suffered from hunger and exposure. Some were horribly burned in the oil from tankers that spread around their lifeboats and was set aflame by U-boat skippers.

Rescued, they went back to the sea and the cargo ships and the stern job of delivering the goods, come hell or high water.

They served well, these men of the merchant marine.

Now it is our turn to serve them.

How?

By earnest consideration of H. R. 2346, the Merchant Seamen's War Service Act.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. ROBERTSON of Virginia, for 1 day, Friday, on account of important business.

To Mr. BECKWORTH for today, on account of official business.

To Mr. DAUGHTON of Virginia, for today, on account of official business.

To Mr. ROONEY, for today and the balance of the week, on account of official business.

ADJOURNMENT

Mr. WORLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 56 minutes p. m.) the House, under its previous order, adjourned until tomorrow, Friday, October 19, 1945, at 11 o'clock a. m.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(Friday, October 19, 1945)

A subcommittee of the House Committee on Interstate and Foreign Commerce will meet at 10 a. m., Friday, October 19, to continue hearings on H. R. 2536, the Bulwinkle bill. The Army, Navy, and ODT witnesses are expected to be heard Monday, October 22, 1945.

(Monday, October 22, 1945)

There will be a meeting of the Special Securities Subcommittee of the Committee on Interstate and Foreign Commerce, at 10 o'clock a. m., Monday, October 22, 1945.

Business to be considered: Resumption of hearing on study of operations under the Public Utilities Holding Company Act of 1935.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(Friday, October 19, 1945)

The Committee on Public Buildings and Grounds will hold a hearing on Friday, October 19, at 10 a. m., on the bill (H. R. 4276) to provide for the construction of public buildings, and for other purposes, in the Rivers and Harbors Committee room.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(Thursday, October 25, 1945)

The Committee on the Merchant Marine and Fisheries will meet Thursday, October 25, 1945, at 10 o'clock a. m., in executive hearing to consider the bill (H. R. 3139) to authorize the Coast Guard to investigate and employ new methods of promoting safety at sea and aiding navigation.

(Thursday, November 1, 1945)

The Committee on the Merchant Marine and Fisheries will meet in executive hearing on Thursday, November 1, 1945, at 10 a. m., to consider the bill (H. R. 3861) to provide special rules for preventing collisions of vessels navigating the Gulf Intracoastal Waterway and certain rivers and inland waters emptying into the Gulf of Mexico, and for other purposes.

(Thursday, November 8, 1945)

The Committee on the Merchant Marine and Fisheries will meet in executive hearing on Thursday, November 8, 1945, at 10 o'clock a. m. to consider H. R. 2633 and H. R. 3802, bills for the refund of frustrated voyages.

COMMITTEE ON THE JUDICIARY

(Friday, October 26, 1945)

Subcommittee No. 4 of the Committee on the Judiciary will hold a hearing on Friday, October 26, 1945, on the following: House Concurrent Resolution 85, House Concurrent Resolution 86, House Concurrent Resolution 91, and House Joint Resolution 245, declaring the date of termination of hostilities in the present war. The hearing will begin at 10: 30 a. m., and will be held in the Judiciary Committee room, 346 House Office Building.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

763. A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of a proposed bill to regulate the practice of optometry in the District of Columbia; to the Committee on the District of Columbia.

764. A communication from the President of the United States, transmitting supplemental estimates of appropriation for the fiscal year 1946 in the amount of $433,000 for the Federal Power Commission (H. Doc. No. 332); to the Committee on Appropriations and ordered to be printed.

765. A communication from the President of the United States, transmitting supplemental estimates of appropriation for the fiscal year 1946 in the amount of $1,250,000, for the National Housing Agency (H. Doc. No. 333); to the Committee on Appropriations and ordered to be printed.

766. A communication from the President of the United States, transmitting supplemental estimates of appropriation for the fiscal year 1946 in the amount of $214,000 for the Federal Security Agency (H. Doc. No. 334); to the Committee on Appropriations and order to be printed.

767. A communication from the President of the United States, transmitting a draft of a proposed provision pertaining to an existing appropriation for the fiscal year 1946, for the Federal Works Agency (H. Doc. No. 335); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MANASCO: Committee on Expenditures in the Executive Departments. H. R. 4350. A bill to amend section 3646 of the Revised Statutes, as amended, relating to the issuance of checks in replacement of lost, stolen, destroyed, mutilated, or defaced checks of the United States, and for other purposes; without amendment (Rept. No. 1132). Referred to the Committee of the Whole House on the State of the Union.

Mr. RANDOLPH: Committee on the District of Columbia. H. R. 3979. A bill to extend for the period of 1 year the provisions of the District of Columbia Emergency Rent Act, approved December 2, 1941, as amended; without amendment (Rept. No. 1133). Referred to the Committee of the Whole House on the State of the Union.

Mr. RANDOLPH: Committee on the District of Columbia. H. R. 2938. A bill to amend the Code of Laws of the District of Columbia, with respect to abandonment of condemnation proceedings; without amendment (Rept. No. 1134). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DOUGLAS of California:

H. R. 4420. A bill to condition the tax exemption accorded to the Daughters of the American Revolution on their not denying the commercial use or rental of Constitution Hall by reason of race, creed, color, or national origin; to the Committee on the District of Columbia.

By Mr. IZAC:
H. R. 4421. A bill to increase the permanent authorized enlisted strength of the active list of the Regular Navy and Marine Corps, to increase the permanent authorized number of commissioned officers of the active list of the line of the Regular Navy, and to authorize permanent appointments in the Regular Navy and Marine Corps, and for other purposes; to the Committee on Naval Affairs.

By Mr. KUNKEL:
H. R. 4422. A bill to grant to enlisted personnel of the armed forces certain benefits in lieu of accumulated leave; to the Committee on Military Affairs.

By Mr. MORRISON:
H. R. 4423. A bill to recommend that colleges and universities give appropriate credit for work done and educational courses taken by individuals while serving in the armed forces; to the Committee on Military Affairs.

By Mr. SHERIDAN:
H. R. 4424. A bill to repeal section 8 of the War Labor Disputes Act; to the Committee on Military Affairs.

By Mr. TRAYNOR:
H. R. 4425. A bill to provide for the prompt discharge or release from active duty of certain physicians, dentists, and veterinarians serving in the armed forces; to the Committee on Military Affairs.

By Mr. WICKERSHAM:
H. R. 4426. A bill to exempt from gross income for income-tax purposes earnings of honorably discharged veterans during certain periods after discharge; to the Committee on Ways and Means.

H. R. 4427. A bill to grant members of the military and naval forces the same preferences as are granted to veterans in the purchase of surplus property; to the Committee on Expenditures in the Executive Departments.

By Mr. SPENCE:
H. R. 4428. A bill to adjust the rate of dividends paid by the Federal Savings and Loan Insurance Corporation on its capital stock and to decrease the premium charge for its insurance; to the Committee on Banking and Currency.

By Mr. BARTLETT:
H. R. 4429. A bill to amend the act entitled "An act providing for the suspension of annual assessment work on mining claims held by location in the United States, including the Territory of Alaska," approved May 3, 1943; to the Committee on Mines and Mining.

By Mr. CELLER:
H. R. 4430. A bill to repeal the act to incorporate the National Society of the Daughters of the American Revolution; to the Committee on the Judiciary.

By Mr. CHENOWETH:
H. R. 4431. A bill to terminate the Selective Training and Service Act of 1940, as amended; to the Committee on Military Affairs.

By Mr. CORBETT:
H. R. 4432. A bill to authorize the disposal agencies under the Surplus Property Act of 1944 to lend or donate surplus camping equipment to the Boy Scouts of America and other organizations; to the Committee on Expenditures in the Executive Departments.

By Mr. GRANT of Alabama:
H. R. 4433. A bill to provide for the conveyance to the State of Alabama for use as a public park of the military reservation known as Fort Morgan, to the Committee on Naval Affairs.

By Mr. EDWIN ARTHUR HALL:
H. R. 4434. A bill to direct the discharge of fathers from the armed forces; to the Committee on Military Affairs.

By Mr. LEMKE:
H. R. 4435. A bill to establish the Theodore Roosevelt National Park, to erect a monument in memory of Theodore Roosevelt in the village of Medora, N. Dak., and for other purposes; to the Committee on the Public Lands.

By Mr. PATTERSON:
H. R. 4436. A bill to condition the tax exemption accorded to the Daughters of the American Revolution on their not denying the commercial use or rental of Constitution Hall by reason of race, creed, color, or national origin; to the Committee on the District of Columbia.

By Mr. RAMSPECK:
H. R. 4437. A bill to provide for the return of public employment offices to State operation, to amend the act of Congress approved June 6, 1933, and for other purposes; to the Committee on Labor.

By Mr. WHITTEN:
H. R. 4438. A bill to amend certain provisions of the Flood Control Act of August 18, 1941, Public Law 228, Seventy-seventh Congress, so as to increase the amount paid to States from moneys received by the United States on account of certain leases; to the Committee on Flood Control.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DE LACY:
H. R. 4439. A bill for the relief of certain employees of the Seattle, Wash., Post Office; to the Committee on Claims.

By Mr. D'EWART:
H. R. 4440. A bill to authorize the Secretary of the Interior to sell certain lands in the State of Montana to George Newberry; to the Committee on Indian Affairs.

H. R. 4441. A bill to authorize the Secretary of the Interior to sell certain lands in the State of Montana to John McGowan; to the Committee on Indian Affairs

H. R. 4442. A bill to authorize the Secretary of the Interior to sell certain lands in the State of Montana to John J. Stensland; to the Committee on Indian Affairs.

H. R. 4443. A bill to authorize the Secretary of the Interior to sell certain lands in the State of Montana to Leo Combs; to the Committee on Indian Affairs.

H. R. 4444. A bill to authorize the Secretary of the Interior to sell certain lands in the State of Montana to Melvin Engles; to the Committee on Indian Affairs.

H. R. 4445. A bill to authorize the Secretary of the Interior to sell certain lands in the State of Montana to Dugald C. Hagadone; to the Committee on Indian Affairs.

H. R. 4446. A bill to authorize the Secretary of the Interior to sell certain lands in the State of Montana to James G. Helmer; to the Committee on Indian Affairs.

H. R. 4447. A bill to authorize the Secretary of the Interior to sell certain lands in the State of Montana to John B. Stensland; to the Committee on Indian Affairs.

By Mr. PATMAN:
H. R. 4448. A bill for the relief of DeWitt F. McLaurine; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1258. By Mr. CANNON of Missouri: Petition of Earnest Nicoletti, 4239 Paul Street, Philadelphia 24, Pa., and others, to Congress and FCC with respect to FM broadcasting; to the Committee on Interstate and Foreign Commerce.

1259. By Mr. FORAND: Resolution of the Polish American Veterans of World Wars, 629 High Street, Central Falls, R. I., recommending that immediate provision be inserted in the pension laws that 60 years of age shall constitute total disability, and that any honorably discharged veteran of any war, upon reaching the age of 60 years, shall be entitled to a general pension; to the Committee on Ways and Means.

1260. By Mr. LUDLOW: Petition of 70 citizens of Indianapolis, Ind., for the early enactment of S. 623, to prohibit alcoholic beverage advertising over the radio; to the Committee on Interstate and Foreign Commerce.

OFFICE OF BUDGET AND FINANCE 79th-1st,No. 194
Legislative Reports and Service Section

DIGEST OF PROCEEDINGS OF CONGRESS OF INTEREST TO THE DEPARTMENT OF AGRICULTURE
(Issued November 6, 1945, for actions of Monday, November 5, 1945)

(For staff of the Department only)

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HIGHLIGHTS: House passed bill providing for payment of accumulated or accrued leave to servicemen who enter or reenter U.S. employment. House passed over bill permitting State inspection of grant-in-aid materials. Rep. Curtis urged development of U.S. synthetic rubber.

HOUSE

1. PERSONNEL. Concurred in the Senate amendments to H.R.3256, to amend the Civil Service Retirement Act in order to protect the retirement rights of persons who leave the service to enter the armed forces (p. 10522). This bill will now be sent to the President.

   Passed as reported S.1036, to provide for the payment of accumulated or accrued leave to certain members of the armed forces who enter or reenter U.S. employment. (For provisions see Digest 190.) (p. 10522-4.)

2. GRANTS-IN-AID. On objection of Rep. Priest, Tenn., passed over H.R.3321, to provide for State inspection of federally distributed grant-in-aid materials, etc. (p. 10524).

3. APPROPRIATIONS. Received from the President a supplemental appropriation estimate of $6,000,000 for Interior for fiscal year 1946 (H.Doc. 371). To Appropriations Committee. (p. 10563.)

4. RESEARCH. Passed as reported H.J.Res. 111, designating Jan. 5, 1946, as George Washington Carver Day (p. 10529).

   Military Affairs Committee reported without amendment H.R. 4566, to provide for the development and control of atomic energy (H.Rept. 1186) (p. 10563).

5. TRANSPORTATION. Passed as reported H.R.4180, to amend the law relating to larceny in interstate or foreign commerce (pp. 10526-7). Rep. Reed, Ill., stated that this bill revises and broadens existing authorities in connection with such larcenies (p. 10526).

6. ACCOUNTING. Passed without amendment H.R.4350, relating to the issuance of checks in replacement of lost, etc., U.S. checks (pp. 10529-30).

7. CLAIMS. On objection of Rep. Biemiller, Wis., Doyle, Calif., and Madden, Ind., passed over H.R.2788, limiting the time for bringing certain actions under U.S. law (p. 10531).

8. FLOOD CONTROL; LANDS. Passed as reported H.R.1902, relating to the trial of the issue of just compensation in the case of condemnation proceedings of property to be used for flood control purposes (pp. 10536-7).

9. MINERALS; FORESTRY. Passed without amendment H.R.608, to exclude certain forest lands in Deschutes County, Oreg., from the provisions of R.S. 2319-2337, relating to the promotion of the development of U.S. mining resources (p. 10533).

10. EXPENDITURES; FULL EMPLOYMENT. Rep. Outland, Calif., spoke favoring the full-employment bill and stated that it is not a spending bill (pp. 10552-6).

11. FARM PRICES. Reps. Murray, Wis., and Hook, Mich., spoke favoring maintenance of present farm prices (pp. 10557-8).

SENATE

NOT IN SESSION. Next meeting Tues., Nov. 6.

12. GOVERNMENT CORPORATIONS. The Banking and Currency Committee reported (Nov.2) without amendment H.R.3660, to provide for financial control of Government corporations (S.Rept. 694) (p. 10480).

BILLS INTRODUCED

13. ADMINISTRATIVE EXPENSES. H.R.4586, by Rep. Manasco, Ala., to authorize certain administrative expenses in the Government service. To Expenditures in the Executive Departments Committee. (p. 10563.)

14. ELECTRIFICATION. H.R.4581, by Rep. Bennett, Mo., to authorize addition of hydroelectric power and make a multiple purpose dam and reservoir of the Oscela project, Osage River, Mo. To Flood Control Committee. (p. 10563.)

15. PUBLIC LANDS. H.R. 4589, by Rep. Schwabe, Okla., to provide homesteads in Okla. for certain World War II veterans. To Public Lands Committee. (p. 10563.) Remarks of author (p. A5049).

16. BANKING AND CURRENCY. H.R. 4590, by Rep. Martin, Mass., to authorize use by industry of U.S. silver. To Banking and Currency Committee. (p. 10563.)

ITEMS IN APPENDIX

17. FARM SECURITY. Rep. Stevenson, Wis., commended FSA accomplishments in Richland County, Wis., and inserted excerpts from the county report (pp. A5026-7).

18. FOOD AND AGRICULTURE ORGANIZATION. Rep. Hope, Kans., inserted L.B.Pearson's (Ambassador from Canada to U.S.) closing statement at the FAO Quebec conference in which he commended the conferees efforts to the world (pp.A5048-9).

19. FUTURE FARMERS OF AMERICA. Extension of remarks of Rep. Mansfield, Mont., commending the work of the Mont. Future Farmers and including a copy of its 1945-6 program (p. A5046).

FACILITATING FURTHER THE DISPOSITION OF PRIZES CAPTURED BY THE UNITED STATES

The Clerk called the bill (H. R. 4321) to facilitate further the disposition of prizes captured by the United States, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that S. 1420, to facilitate the disposition of prizes captured by the United States and for other purposes, be substituted for the House bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the Senate bill?

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That the first section of the act of August 18, 1942 (56 Stat. 746), as amended (34 U. S. C. 1159), is hereby further amended to read as follows: "That the district courts shall have original jurisdiction of all prizes captured during war if said capture was made by authority of the United States or was adopted and ratified by the President of the United States and the prize was brought into the territorial waters of a cobelligerent or into a locality in the temporary or permanent possession or occupation of the armed forces of the United States or was taken or appropriated for the use of the United States, including jurisdiction of all proceedings for the condemnation of such property taken as prize."

SEC. 2. Section 4621 of the Revised Statutes, as amended (34 U. S. C. 1137), is hereby further amended to read as follows: "Any district court may appoint prize commissioners, not exceeding three in number; of whom one shall be a naval officer, active or retired, approved by the Secretary of the Navy, who shall receive no other compensation than his pay in the Navy, and who shall protect the interests of the Department of the Navy in the prize property; and at least one of the others shall be a member of the bar of the court, of not less than 3 years' standing, and acquainted with the taking of depositions."

SEC. 3. Section 4624 of the Revised Statutes, as amended (34 U. S. C. 1140), is hereby further amended by inserting before the period at the end thereof the following: ": *Provided*, That notwithstanding any other provision of law, if the seized property is taken or appropriated for the use of the United States whether before or after it comes into the custody of the prize court, the prize court is authorized to proceed to adjudication on the basis of an inventory and survey and an appropriate undertaking by the United States to respond for the value of such property without the necessity for either an appraisement or the deposit of the value of the prize with the Treasurer of the United States or any other public depository."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider and a House bill (H. R. 4231) were laid on the table.

GEORGE WASHINGTON CARVER DAY

The Clerk called House Joint Resolution 111, designating January 5 each year as George Washington Carver Day.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the Clerk read the resolution, as follows:

Resolved, etc., That the 5th day of January of each year is hereby designated as George Washington Carver Day, in commemoration of the great scientist, and the President of the United States is authorized and requested to issue annually a proclamation calling upon officials of the Government to display the flag of the United States on all Government buildings on such day, and inviting the people of the United States to observe the day in universities, colleges, schools, and churches or other suitable places, with appropriate ceremonies.

With the following committee amendments:

Page 3, strike out the words "each year" and insert in lieu thereof "1946."

Line 6, strike out the word "annually."

The committee amendments were agreed to.

Mr. HOBBS. Mr. Speaker, this bill seeks to honor a great American, George Washington Carver.

He was, first of all, a Christian, whose daily work was worship; whose laboratory, a shrine; there the hidden alchemy of the Creator was revealed to him more clearly than to those of lesser genius, and there lowly peanuts became a channel of blessing for mankind, as he worked joyously and incessantly toward such ends.

[Mr. CORBETT addressed the House. His remarks will appear hereafter in the Appendix.]

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "Joint resolution designating January 5, 1946, as George Washington Carver Day."

PROVIDING FOR TERMS OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

The Clerk called the bill (S. 940) to provide for terms of the District Court of the United States for the District of Nevada.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 94 of the Judicial Code, as amended (U. S. C., title 28, sec. 174), is amended to read as follows:

"The State of Nevada shall constitute one judicial district, to be known as the district of Nevada. Terms of the district court shall be held at Carson City on the first Mondays in February and May, at Las Vegas on the first Mondays in March and October, at Reno on the first Mondays in January and June, and at Elko on the first Monday in November: *Provided*, That suitable accommodations for holding court at Elko shall be provided by the local authorities but only until such time as such accommodations shall be provided upon the recommendation of the Director of the Administrative Office of the United States Courts in a public building or other quarters provided by the Federal Government for such purpose."

With the following committee amendment:

Page 2, line 2, after the word "provided", strike out the balance of the bill and insert in lieu thereof "without expense to the United States."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REPLACEMENT OF GOVERNMENT CHECKS WHICH HAVE BEEN LOST OR DESTROYED

The Clerk called the bill (H. R. 4350) to amend section 3646 of the Revised Statutes, as amended, relating to the issuance of checks in replacement of lost, stolen, destroyed, mutilated, or defaced checks of the United States, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. DONDERO. Mr. Speaker, reserving the right to object, and I shall not, will the author of the bill make a statement as to the object this bill seeks to achieve?

Mr. MANASCO. Mr. Speaker, under existing law, when a check is lost, destroyed, or mutilated, the disbursing officer who issued the check must reissue the check.

We have many men in the armed services who are going out of the service. Many of these checks are lost. For instance, the benefit checks for the dependents of men in the armed forces are sometimes lost. The disbursing officer in the Treasury Department is retiring, I believe, on the 1st of December. Quite a few of those checks are mutilated, lost, or destroyed. If this bill is not passed, then the payee will have to go through the formality of filing a claim, having that clear through the General Accounting Office, then going back to the Treasury, which may take a year or a year and a half.

Mr. DONDERO. Does this have any bearing on the question of forgery?

Mr. MANASCO. This bill does not change any of those provisions.

Mr. DONDERO. It does not change them at all?

Mr. MANASCO. No.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 3646 of the Revised Statutes of the United States, as amended (U. S. C., title 31, sec. 528), is further amended to read as follows:

"(a) Except as hereinafter provided, whenever it is clearly proved to the satisfaction of the Secretary of the Treasury that any original check of the United States is lost, stolen, or wholly or partly destroyed, or is so mutilated or defaced as to impair its value to its owner or holder, the Secretary of the Treasury is authorized, before the close of the fiscal year following the fiscal year in which the original check was issued to transfer the amount of the original check from the account of the drawer to a special deposit account carried in the name of the Secretary of the Treasury on the books of the Treasurer of the United States, and to issue against such special deposit account to the owner or holder thereof a substitute under current date showing such information as may be necessary to identify the original check, upon the receipt and approval by the Secretary of the Treasury of an undertaking to indemnify the United States, in such form and amount and with such surety, sureties, or security, if

any, as the Secretary of the Treasury may require; but no such substitute shall be payable if the original check shall first have been paid: *Provided,* That nothing herein contained shall be deemed to relieve any certifying officer or his surcties or any disbursing officer or his sureties of any liability to the United States on account of any payment resulting from the erroneous issuance of the original check: *And provided further,* That the authority herein conferred to issue substitute checks may, in the case of checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws, be exercised without limitation of time.

"(b) An undertaking of indemnity shall not be required under subsection (a) of this section in any of the following classes of cases except as provided in this subsection: (1) If the Secretary of the Treasury is satisfied that the loss, theft, destruction, mutilation, or defacement, as the case may be, occurred without fault of the owner or holder and while the check was in the custody or control of the United States (including the postal service when carrying mail for any officer, employee, agent, or agency of the United States when performing services in connection with an official function of the United States, but not including the postal service when otherwise acting solely in its capacity as a public carrier of the mail), or of a person thereunto duly authorized as lawful agent of the United States, or while it was in the course of shipment effected pursuant to and in accordance with the regulations issued under the provisions of the Government Losses in Shipment Act; (2) if substantially the entire check is presented and surrendered by the owner or holder and the Secretary of the Treasury is satisfied as to the identity of the check presented and that any missing portions are not sufficient to form the basis of a valid claim against the United States; (3) if the Secretary of the Treasury is satisfied that the original check is not negotiable and cannot be made the basis of a valid claim against the United States; (4) if the amount of the check is not more than $200; (5) if the owner or holder is the United States or an officer or employee thereof in his official capacity, a State, the District of Columbia, a Territory or possession of the United States, including the Commonwealth of the Philippine Islands, a municipal corporation or political subdivision of any of the foregoing, a corporation, the whole of whose capital is owned by the United States, a foreign government, or a Federal Reserve bank: *Provided, however,* That in any of the foregoing classes of cases the Secretary of the Treasury may require an undertaking of indemnity if he deems it essential to the public interest.

"(c) Notwithstanding the provisions of subsections (a) and (b) of this section whenever it is clearly proved to the satisfaction of the Secretary of the Treasury that any original check of the United States drawn on a depository in a foreign country or a Territory or possession of the United States, including the Panama Canal Zone and the Philippine Islands, is lost, stolen, or wholly or partly destroyed, or is so mutilated or defaced as to impair its value to its owner or holder, the drawer of the original check or such other officer or employee of the United States as may be authorized by the Secretary of the Treasury with the concurrence of the head of the department or agency upon whose behalf the original check was issued is authorized, before the close of the fiscal year following the fiscal year in which the original check was issued, to issue to the owner or holder thereof a substitute under current date showing such information as may be necessary to identify the original check, drawn against the account of the drawer of the original check or such other account as may be available for the payment of such substitute, upon the receipt and approval by the Secretary of the Treasury of an undertaking, to indemnify the United States, in such form and amount and with such surety, sureties, or security, if any, as the Secretary of the Treasury may require; but no such substitute shall be payable if the original check shall first have been paid. Nothing herein contained shall be deemed to relieve any certifying officer or his sureties or any disbursing officer or his sureties of any liability to the United States on account of any payment resulting from the erroneous issuance of the original check.

"(d) The Secretary of the Treasury shall have the power to make such rules and regulations as he may deem necessary for the administration of the provisions of this section.

"(e) Notwithstanding the provision of subsections (a), (b), (c), and (d) of this section, whenever any original check of the Post Office Department has been lost, stolen, or destroyed, the Postmaster General may authorize the issuance of a substitute, marked 'duplicate' and showing the number, date, and payee of the original check, before the close of the fiscal year following the fiscal year in which the original check was issued, upon the execution by the owner thereof of such bond of indemnity as the Postmaster General may prescribe: *Provided,* That when such original check does not exceed in amount the sum of $100 and the payee or owner is, at the date of the application, an officer or employee in the service of the Post Office Department, whether by contract, designation, or appointment, the Postmaster General may, in lieu of an indemnity bond, authorize the issuance of a substitute check or warrant upon such an affidavit as he may prescribe, to be made before any postmaster by the payee or owner of an original check.

"(f) Substitutes issued under this section, drawn on the Treasurer of the United States, except those for checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws, shall be deemed to be original checks and shall be payable under the conditions set forth in section 21 of the Permanent Appropriation Repeal Act, 1934 (U. S. C., title 31, sec. 725t). Substitutes for checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws shall be payable without limitation of time.

"(g) The term 'original check' wherever used in this section means any check, warrant, or other order for the payment of money, payable upon demand and not bearing interest, drawn by a duly authorized officer or agent of the United States, the District of Columbia, or the District Unemployment Compensation Board, on their behalf against an account or funds of the United States, the District of Columbia, or the District Unemployment Compensation Board, including instruments issued by any corporation or other entity owned or controlled by the United States, the funds of which are deposited and covered into the Treasury of the United States or deposited with the Treasurer of the United States, but does not include money, coins, or currency of the United States; as used in subsection (e) of this section it means such an instrument drawn by a duly authorized officer or employee of the Post Office Department.

"(h) Any power, authority, or discretion conferred upon the Secretary of the Treasury by this section may be delegated by him, in whole or in part, subject to such terms and conditions as he may prescribe, to such individuals as he may designate within the Treasury Department or to the head of any other departments or agency of the Government or of any Federal Reserve bank, and the head of such department or agency or Federal Reserve bank may, when such action is not inconsistent with the terms and conditions of the delegation by the Secretary of the Treasury, redelegate any power, authority, or discretion conferred upon him pursuant to this subsection to any officer or employee within such department, agency, or Federal Reserve bank."

SEC. 2. Sections 300 and 3647 of the Revised Statutes, as amended (U. S. C., title 31, sec. 119), are hereby repealed.

SEC. 3. This act shall become effective on December 1, 1945.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. HOBBS. Mr. Speaker, I ask unanimous consent that we revert to Calendar No. 250 and at the appropriate point I may be given the privilege of revising and extending my remarks at that point in the RECORD where the bill was under consideration, and that my colleague the gentleman from Pennsylvania [Mr. CORBETT] may have the same privilege.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION DIVIDENDS AND INSURANCE

The Clerk called the bill (H. R. 4428) to adjust the rate of dividends paid by the Federal Savings and Loan Insurance Corporation on its capital stock and to decrease the premium charge for its insurance.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 402 (b) of the National Housing Act, as amended (U. S. C., 1940 edition, title 12, sec. 1725 (b)), is amended by striking out "the Home Owners' Loan Corporation shall be entitled to the payment of dividends on such stock out of net earnings at a rate equal to the interest rate on such bonds, which dividends shall be cumulative" and inserting in lieu thereof the following: "the Home Owners' Loan Corporation shall be entitled to the payment of dividends (which dividends shall be cumulative) on such stock out of net earnings until July 1, 1945, at a rate equal to the interest rate on such bonds, and after June 30, 1945, at a rate equal to the average interest rate on the bonds of the Home Owners' Loan Corporation outstanding during the the period with respect to which such dividends are paid or accumulate."

SEC. 2. (a) Subsections (a) and (b) of section 404 of the National Housing Act, as amended (U. S. C., 1940 ed., title 12, sec. 1727 (a) and (b)), are amended by striking out the word "one-eighth" wherever it appears therein and inserting in lieu thereof the word "one-twelfth."

(b) Subsection (c) of section 404 of the National Housing Act, as amended (U. S. C., 1940 ed., title 12, sec. 1727 (c)), is amended to read as follows:

"(c) In an insured institution has paid a premium at a rate in excess of one-twelfth of 1 percent of the total amount of the accounts of its insured members and its creditor obligations for any period of time after June 30, 1945, it shall receive a credit upon its future premiums in an amount equal to the excess premium so paid for the period beyond such date."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

79TH CONGRESS
1ST SESSION

H. R. 4350

IN THE SENATE OF THE UNITED STATES

NOVEMBER 6 (legislative day, OCTOBER 29), 1945

Read twice and referred to the Committee on Expenditures in the Executive Departments

AN ACT

To amend section 3646 of the Revised Statutes, as amended, relating to the issuance of checks in replacement of lost, stolen, destroyed, mutilated, or defaced checks of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3646 of the Revised Statutes of the United States, as amended (U. S. C., title 31, sec. 528), is further amended to read as follows:

"(a) Except as hereinafter provided, whenever it is clearly proved to the satisfaction of the Secretary of the Treasury that any original check of the United States is lost, stolen, or wholly or partly destroyed, or is so mutilated

or defaced as to impair its value to its owner or holder, the Secretary of the Treasury is authorized, before the close of the fiscal year following the fiscal year in which the original check was issued to transfer the amount of the original check from the account of the drawer to a special deposit account carried in the name of the Secretary of the Treasury on the books of the Treasurer of the United States, and to issue against such special deposit account to the owner or holder thereof a substitute under current date showing such information as may be necessary to identify the original check, upon the receipt and approval by the Secretary of the Treasury of an undertaking to indemnify the United States, in such form and amount and with such surety, sureties, or security, if any, as the Secretary of the Treasury may require; but no such substitute shall be payable if the original check shall first have been paid: *Provided,* That nothing herein contained shall be deemed to relieve any certifying officer or his sureties or any disbursing officer or his sureties of any liability to the United States on account of any payment resulting from the erroneous issuance of the original check: *And provided further,* That the authority herein conferred to issue substitute checks may, in the case of checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws, be exercised without limitation of time.

"(b) An undertaking of indemnity shall not be required under subsection (a) of this section in any of the following classes of cases except as provided in this subsection: (1) If the Secretary of the Treasury is satisfied that the loss, theft, destruction, mutilation, or defacement, as the case may be, occurred without fault of the owner or holder and while the check was in the custody or control of the United States (including the postal service when carrying mail for any officer, employee, agent, or agency of the United States when performing services in connection with an official function of the United States, but not including the postal service when otherwise acting solely in its capacity as a public carrier of the mail), or of a person thereunto duly authorized as lawful agent of the United States, or while it was in the course of shipment effected pursuant to and in accordance with the regulations issued under the provisions of the Government Losses in Shipment Act; (2) if substantially the entire check is presented and surrendered by the owner or holder and the Secretary of the Treasury is satisfied as to the identity of the check presented and that any missing portions are not sufficient to form the basis of a valid claim against the United States; (3) if the Secretary of the Treasury is satisfied that the original check is not negotiable and cannot be made the basis of a valid claim against the United States; (4) if the amount of the check is not more than $200; (5) if the owner

or holder is the United States or an officer or employee thereof in his official capacity, a State, the District of Columbia, a Territory or possession of the United States, including the Commonwealth of the Philippine Islands, a municipal corporation or political subdivision of any of the foregoing, a corporation, the whole of whose capital is owned by the United States, a foreign government, or a Federal Reserve bank: *Provided, however,* That in any of the foregoing classes of cases the Secretary of the Treasury may require an undertaking of indemnity if he deems it essential to the public interest.

"(c) Notwithstanding the provisions of subsections (a) and (b) of this section whenever it is clearly proved to the satisfaction of the Secretary of the Treasury that any original check of the United States drawn on a depositary in a foreign country or a Territory or possession of the United States, including the Panama Canal Zone and the Philippine Islands, is lost, stolen, or wholly or partly destroyed, or is so mutilated or defaced as to impair its value to its owner or holder, the drawer of the original check or such other officer or employee of the United States as may be authorized by the Secretary of the Treasury with the concurrence of the head of the department or agency upon whose behalf the original check was issued is authorized, before the close of the fiscal year following the fiscal year in which the original check

was issued, to issue to the owner or holder thereof a substitute under current date showing such information as may be necessary to identify the original check, drawn against the account of the drawer of the original check or such other account as may be available for the payment of such substitute, upon the receipt and approval by the Secretary of the Treasury of an undertaking, to indemnify the United States, in such form and amount and with such surety, sureties, or security, if any, as the Secretary of the Treasury may require; but no such substitute shall be payable if the original check shall first have been paid. Nothing herein contained shall be deemed to relieve any certifying officer or his sureties or any disbursing officer or his sureties of any liability to the United States on account of any payment resulting from the erroneous issuance of the original check.

"(d) The Secretary of the Treasury shall have the power to make such rules and regulations as he may deem necessary for the administration of the provisions of this section.

"(e) Notwithstanding the provisions of subsections (a), (b), (c), and (d) of this section, whenever any original check of the Post Office Department has been lost, stolen, or destroyed, the Postmaster General may authorize the issuance of a substitute, marked 'duplicate' and showing

the number, date, and payee of the original check, before the close of the fiscal year following the fiscal year in which the original check was issued, upon the execution by the owner thereof of such bond of indemnity as the Postmaster General may prescribe: *Provided*, That when such original check does not exceed in amount the sum of $100 and the payee or owner is, at the date of the application, an officer or employee in the service of the Post Office Department, whether by contract, designation, or appointment, the Postmaster General may, in lieu of an indemnity bond, authorize the issuance of a substitute check or warrant upon such an affidavit as he may prescribe, to be made before any postmaster by the payee or owner of an original check.

"(f) Substitutes issued under this section, drawn on the Treasurer of the United States, except those for checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws, shall be deemed to be original checks and shall be payable under the conditions set forth in section 21 of the Permanent Appropriation Repeal Act, 1934 (U. S. C., title 31, sec. 725t). Substitutes for checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws shall be payable without limitation of time.

"(g) The term 'original check' wherever used in this

section means any check, warrant, or other order for the payment of money, payable upon demand and not bearing interest, drawn by a duly authorized officer or agent of the United States, the District of Columbia, or the District Unemployment Compensation Board, on their behalf against an account or funds of the United States, the District of Columbia, or the District Unemployment Compensation Board, including instruments issued by any corporation or other entity owned or controlled by the United States, the funds of which are deposited and covered into the Treasury of the United States or deposited with the Treasurer of the United States, but does not include money, coins, or currency of the United States; as used in subsection (e) of this section it means such an instrument drawn by a duly authorized officer or employee of the Post Office Department.

"(h) Any power, authority, or discretion conferred upon the Secretary of the Treasury by this section may be delegated by him, in whole or in part, subject to such terms and conditions as he may prescribe, to such individuals as he may designate within the Treasury Department or to the head of any other department or agency of the Government or of any Federal Reserve bank, and the head of such department or agency or Federal Reserve bank may, when such action is not inconsistent with the terms and conditions of the delegation by the Secretary of the Treasury, redelegate

any power, authority, or discretion conferred upon him pursuant to this subsection to any officer or employee within such department, agency, or Federal Reserve bank."

SEC. 2. Sections 300 and 3647 of the Revised Statutes, as amended (U. S. C., title 31, sec. 119), are hereby repealed.

SEC. 3. This Act shall become effective on December 1, 1945.

Passed the House of Representatives November 5, 1945.

Attest: SOUTH TRIMBLE,

Clerk.

79TH CONGRESS
1ST SESSION

H. R. 4350

AN ACT

To amend section 3646 of the Revised Statutes, as amended, relating to the issuance of checks in replacement of lost, stolen, destroyed, mutilated, or defaced checks of the United States, and for other purposes.

NOVEMBER 6 (legislative day, OCTOBER 29), 1945

Read twice and referred to the Committee on Expenditures in the Executive Departments

DIGEST OF PROCEEDINGS OF CONGRESS OF INTEREST TO THE DEPARTMENT OF AGRICULTURE
(Issued November 28, 1945, for actions of Tuesday, November 27, 1945)

(For staff of the Department only)

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HIGHLIGHTS: House began debate on 1st deficiency appropriation bill; farm-labor item disccussed. Foreign Affairs Committee reported UNRRA authorization bill.

HOUSE

1. FIRST DEFICIENCY APPROPRIATION BILL, 1946. Began and concluded general debate on this bill, H.R.4805 (pp. 11223-55). Rep. Cannon, Mo., discussed the bill's provisions and urged economy in the national budget, stating, "Unless we can maintain this Nation on a sound financial basis there is disaster ahead for us and for the world" (pp. 11224-29), and he and Rep. Anderson, Calif., discussed the farm-labor item (pp. 11228, 11230). Reps. Tarver, Ga., Hare, S.C., Lemke, N.Dak., Doyle, Calif., and Eberharter, Pa., discussed the flood-control items in the bill (pp. 11230-4, 11245-9). Rep. Wigglesworth, Mass., criticized the appointment "of personnel for which there has been no authorization from the Congress," citing several agencies including [illegible] (p. 11234). Reps. Murdock, Ariz., Whittington, Miss., and others discussed the reclamation items and Rep. Whittington stated that "Sound public works...are always in order (pp. 11236-9, 11250-1). Rep. Vorys, Ohio, criticized UNRRA administration and questioned the personnel situation in that agency (pp. 11240-1). Rep. Hoffman, Mich., discussed cost-of-living figures and criticized the $50 membership fee which he had to pay to the AFofL when "I tried to send provisions and fruit into Detroit on my own truck" (pp. 11242-3).

2. UNRRA AUTHORIZATION. The Foreign Affairs Committee reported without amendment H.R.4649, to enable the U.S. to further participate in the work of UNRRA (H. Rept. 1311) (p. 11257).

3. WAR POWERS. Received the Navy Department's draft of a proposed bill to extend the effectiveness of Title V of the Second War Powers Act: To Judiciary Committee. (p. 11257).

4. CLAIMS. Minority views of the Judiciary Committee submitted on H.R.2788, to amend 28USC, limiting the time for bringing acting against the U.S.(H.Rept.1141,pt.II (p. 11257).

SENATE

5. UNRRA APPROPRIATIONS. Sens. McKellar, Tenn., and Wherry, Nebr., discussed H.J. Res. 266, the UNRRA-appropriation bill (pp. 11219-20).

6. ACCOUNTING. The Expenditures in the Executive Departments Committee reported without amendment H. R. 4350, relating to the issuance of checks in replacement of lost, stolen, etc. U. S. checks (S. Rept. 801) (p. 11191).

7. PHILIPPINE REHABILITATION. Began debate on S. 1610, for the rehabilitation of the Philippine Islands (pp. 11219-20).

8. FOREIGN AFFAIRS. Continued debate on S. 1580, to provide for appointment of U.S. representatives in organs of the United Nations and to make other provision with respect to U.S. participation in such organization (pp. 11195-218).

9. COOPERATIVES. Sen. McKellar, Tenn., inserted a Memphis (Tenn.) C of C resolution urging equal exemptions and immunities, with respect to subsidies and loans, to all cooperative organizations other than certain farmers' and fruit growers' associations (pp. 11189-90).

10. MISSOURI VALLEY AUTHORITY. Sen. Langer, N.Dak., inserted a Warwick (N.Dak.) citizens' letter favoring establishment of an MVA (p. 11190).

11. NOMINATION of Robert Tenbrook to be a member of the Export-Import Bank Board of Directors was withdrawn (p. 11221).

12. CLOTHING SHORTAGE. Sen. Langer, N.Dak., inserted a constituent's letter criticizing the clothing shortage in N. Dak. (p. 11191).

BILLS INTRODUCED

13. BUTTER AND EGGS. S. 1628, by Sen. Capper, Kans., for the prevention of obstructions and burdens upon interstate commerce in butter and eggs by regulating transactions relating to future sales on commodity exchanges. To Agriculture and Forestry Committee. (p. 11191.)

14. FLAG DISPLAY. H. R. 4806, by Rep. Baldwin, Md., to amend the codification of existing rules and customs pertaining to the display and use of the U.S. flag set forth in the joint resolution of June 22, 1942, so as to include among the special days on which the U.S. flag should be displayed the anniversary of the writing of the Star-Spangled Banner. To Judiciary Committee. (p. 11257.)

15. PERSONNEL. H.R. 4812, by Rep. Traynor, Del., to provide for the bonding of Federal officials and employees. To Expenditures in the Executive Departments Committee. (p. 11258.)

H.R. 4839, by Rep. May, Ky. (by request) to amend the act to provide for furnishing transportation for certain Government and other personnel necessary for the effective prosecution of the war. To Military Affairs Committee. (p. 11258.)

16. MONOPOLIES. H. R. 4810, by Rep. Kefauver, Tenn., to amend an act entitled "An act to supplement existing laws against unlawful restraints and monopolies. To Judiciary Committee. (p. 11258.)

17. HOUSING; VETERANS. H.R. 4811, by Rep. Thomas, Tex., to provide certain benefits under the National Housing Act to veterans and war-service seamen in order to facilitate home ownership by such veterans and seaman. To Banking and Currency

Edwin Johnson, James M. Archer, Oliver Johnson, Milton F. Johnson, Oliver Johnson, Jr., Anna I. Johnson, Mrs. Marville Johnson, James Finch, W. R. Finch, H. J. Finch, Edith Finch, Pius M. Reis, Mrs. Pius M. Reis, Helen Reis, Matt Mitzel, Mrs. Matt Mitzel, Maggie Jacobs, John J. Nentz, Philip Fettig, John A. Schmidt, Wesley Johnson, Wendelin A. Wangler, George Doll, Gabriel Schotz, Orra Schotz, Eva M. Reis, S. Widmann, Rosalia Roehrich, Joe J. Aberle, Mrs. Joe J. Aberle, Wendelin W. Wangler, Paul Rudnick, Karl Zahn, Sylvester Schmuts, Joe A. Rudnick, Wm. Sauter, Edward Sauter, George Grochow, Jr., Gust Delzer, Adam Hager, Felix Schwaze, Wendilen Rudnick, Mrs. Hattie Rudnick, August Selzler, Art Heitman, Alvin Finch, Louis Schilling, Philip Rath, Mrs. Loulsa Miller, John P. Miller, Joe Weil, Albert Bauer, David C. Tesky, Raymond Beich, Art Giese, Elmer Meissel, Edward Bauer, John M. Erickson, Dave Raszler, Herman Reb, Jacob Gerving, Mary Nell, Annie Becker, Bill Weil, Martin Becker, Ray Matchke, Otis Olson, Gust Bloom, Mabel Matchke, John Kounovsky, S. B. Wiseth, Casper Hanson, Tonnes Jakabran, M. Dalby, C. H. Arnegard, R. O. Kaufman, Gust Weber, Bernard Ballard, Edwin Mohr, Ole Haugen, Louis Thompson, Hilgen Gilbertson, Gutford Gilbertson, Louis Wavra, George E. Salie, Ludwig Knudswig, Christ N. Smith, Gilbert M. Spillman, Theo. Honet, Chas. Johnson, Arthur Erickson, Sverre J. Houge, Orllan G. Smilsvig, Gerald Honet, Walter Telge, A. M. Cinghann, Johne O. Hunge, John J. Higland, Jack Martino, Amelia Gerving.

SCARCITY OF CLOTHING IN NORTH DAKOTA

Mr. LANGER. Mr. President, I have received a communication from George Mann, of Glenburn, N. Dak., which is in the nature of a petition to Congress, asking that something be done with reference to clothing. In North Dakota the weather is very cold at this time of the year, and Mr. Mann states that the clothing available is entirely insufficient. I ask unanimous consent to present the communication and that it be printed in the RECORD.

There being no objection, the communication was received and ordered to be printed in the RECORD, as follows:

GLENBURN, N. DAK., *November 20, 1945.*

DEAR SIR: Gloves, overalls, and underwear are nonavallable here except in a few large sizes of the latter two. With a severe winter in progress here already, something must be done as no one can work in this climate without adequate clothing for winter. Large manufacturers are purported to be on a sit-down strike against OPA ceilings while we freeze. Perhaps some Army stock piles could be released.

Yours truly,

GEORGE MANN.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HILL, from the Committee on Expenditures in the Executive Departments:

H. R. 4350. A bill to amend section 3646 of the Revised Statutes, as amended, relating to the issuance of checks in replacement of lost, stolen, destroyed, mutilated, or defaced checks of the United States, and for other purposes; without amendment (Rept. No. 801).

By Mr. TYDINGS, from the Committee on Territories and Insular Affairs:

S. J. Res. 119. Joint resolution to provide for national elections in the Philippine Islands; without amendment (Rept. No. 802).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. OVERTON:

S. 1627. A bill for the relief of Mrs. Isabel N. Mifflin; to the Committee on Claims.

By Mr. CAPPER:

S. 1628. A bill for the prevention of obstructions and burdens upon interstate commerce in butter and eggs by regulating transactions relating to future sales on commodity exchanges; to the Committee on Agriculture and Forestry.

By Mr. CORDON:

S. 1629. A bill to permit veterans to change their beneficiary under a policy of national service life insurance and to exercise an option in the method of payment of such insurance; to the Committee on Finance.

S. 1630. A bill providing for retirement of certain officers of the Regular Army with the rank and pay of their temporary grades; to the Committee on Military Affairs.

By Mr. WALSH:

S. 1631. A bill to provide for the payment on a commuted basis of the costs of transportation of dependents of certain persons entitled to such transportation, and for other purposes; to the Committee on Naval Affairs.

By Mr. LANGER:

S. 1632. A bill for the relief of Stephen Hoksina; to the Committee on Claims.

(Mr. LANGER also introduced Senate bill (S. 1633) to provide for hospitalization and treatment of members of the armed forces suffering from transversemyelitis, which was referred to the Committee on Military Affairs, and appears under a separate heading.)

HOSPITALIZATION AND TREATMENT OF MEMBERS OF THE ARMED FORCES SUFFERING FROM TRANSVERSEMYELITIS

Mr. LANGER. Mr. President, I ask unanimous consent to introduce for appropriate reference a bill to provide for hospitalization and treatment of members of the armed forces suffering from transversemyelitis.

There being no objection, the bill (S. 1633) to provide for hospitalization and treatment of members of the armed forces suffering from transversemyelitis was received, read twice by its title, and referred to the Committee on Military Affairs.

SALE OF TICKETS FOR THE ARMY-NAVY FOOTBALL GAME

Mr. LANGER. Mr. President, I have received a letter from Philadelphia, where the Army-Navy football game is to be played next Saturday. The letter is as follows:

DEAR SENATOR: I wish to congratulate you on your stand with regard to the sale and disposition of the tickets for the Army and Navy game.

Within 24 hours after the prices were announced, and the city selected, I sent my check to the West Point Athletic Association. I was informed within 3 days that I was too late and my check returned—that all tickets had been sold.

This is the most clear-cut case of racketeering in the athletic world. Only 105,000 seats and all sold before the public could get their letters into the mails.

I wasn't too disappointed. My years of experience with the brass hats has proved to me that anything can happen.

Sincerely yours,

QUIN GOLDMAN,
Sales Manager.

PROPOSED ADVERTISEMENT REFUSED BY THE WASHINGTON POST

Mr. LANGER. Mr. President, I ask unanimous consent to have printed in the RECORD an advertisement which was refused by the Washington Post. It was offered to the Post by various organizations, among them being the Americans United for World Organization, Friends of Democracy, Independent Citizens Committee of the Arts, Sciences, and Professions, National Association for the Advancement of Colored People, National Citizens Political Action Committee, National Council of Negro Women, National Farmers Union, National Lawyers Guild, Southern Conference for Human Welfare, and United Christian Council for Democracy.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

WE ARE ALARMED—A MESSAGE TO THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES

Mr. President and gentlemen, we are alarmed.

The freedom from fear we pledged to humanity is today neither ours nor the world's. We Americans are proclaiming foreign policies based on a spirit of nationalistic smugness and worse. We are using the same weapon to keep fear alive that we used to end the war against fascism—the atom bomb.

Today the fate of our children rests in your hands.

We implore you to listen to the scientists who built our atom bomb—who unleashed the power of the atom—to listen and listen carefully as they tell us that what we have is no long-term secret; that what we have is either a power for good or for the destruction of all mankind.

We implore you to listen to them and to listen to the people who will not and do not believe that more war is necessary. We implore you to listen to the hearts of men everywhere—quickened with fear where they were once filled with hope.

We implore you to listen and to act.

We urge an end to policies and proclamations which stir international uneasiness and distrust and plunge us into a new and final game of power politics.

We urge that the United States take the initiative through the United Nations Organization to bring about a meeting of the representatives of the nations of the world in order to plan the control of atomic energy as a weapon of war and in order to strengthen the United Nations Organization so that it will be truly effective.

We are alarmed. We want to be free from fear.

Americans United for World Organization; Friends of Democracy; Independent Citizens Committee of the Arts, Sciences, and Professions; National Association for the Advancement of Colored People; National Citizens Political Action Committee; National Council of Negro Women; National Farmers Union; National Lawyers Guild; Southern Conference for Human Welfare; United Christian Council for Democracy.

INLAND PLANTS TO AID NATIONAL DEFENSE—STATEMENT BY WEST CENTRAL INDUSTRIAL COUNCIL

Mr. CAPPER. Mr. President, I ask unanimous consent to have printed in the RECORD, at this point, a statement by the West Central Industrial Council, stating reasons why national safety and economy require inland plants to aid the national defense program.

It seems to me that the points made are reasonable and the conclusions reached logical. I hope every Senator will read this statement, and draw his own conclusions as to what should be done in this regard.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A MATTER OF VITAL IMPORTANCE TO EVERY CITIZEN OF THE UNITED STATES

Now that World War II has ended in victory, it is the responsibility of the Congress, aided by military and naval officials, to formulate and effectuate an adequate program for our national defense in this atomic age.

This must be done without undue delay.

It must be done so as to assure, to the fullest extent possible, our national safety.

It must be done so as to enable us to cope with any foreseeable method of enemy attack.

It must be done with due regard for the economical expenditure of the taxpayers' money, so as to secure maximum results for the funds expended.

Air power in all of its phases will be a chief factor in our defense program, and our air power production facilities must be in the least vulnerable locations. Also, we must make adequate provision for constant research and experimentation.

Even before the development of the atomic bomb, the strategic military advantages of the west central region of the United States for air-power production had become widely recognized during World War II. Now that we have the atomic bomb, we are absolutely compelled, as a matter of national safety, to both recognize these advantages of this region and to plan our future defense program accordingly.

Air-power production facilities can be operated in the west central region with maximum certainty of successful defense in case of enemy attack. This fact is implicit with inland locations, whereas coastal locations afford the least opportunities for defense. This vast advantage of inland locations for plants can be ignored only at the expense of national safety.

The Nation's newspapers on September 20, 1945, published an item quoting Lt. Gen. Barney Giles, who had just led a one-stop flight of superfortresses from Japan to Washington, D. C., as declaring that the Pacific Northwest would have been bombed by Japanese-suicide planes before the end of 1945 if the war had not ended suddenly. He said those same superforts took off from a super airfield on Hokkaido, from which Japan was planning to send four-motored suicide bombers against Seattle and other Pacific coast cities. In his opinion the bombings would have come within 6 months if the war had not ended.

The extravagant claim was made recently in a nationally circulated magazine that, by flying the great circle route, certain nations could attack this inland west central region as easily as the coastal areas. This cannot be successfully argued for the simple reason that inland locations afford time and space within which to apply effective defense measures. All coastal areas are vulnerable to carrier-based aircraft. This was demonstrated by the Japanese in the attack upon Pearl Harbor and by other actions in World War II. In planning a continuation of our air power-production program, these facts must be recognized.

It is worth noting that many millions of dollars of the taxpayers' money were expended during World War II for coastal plant protection. For example, Associated Press news and pictures were published throughout the Nation, July 24, 1945, of Boeing plant camouflage at Seattle, and the Wall Street Journal of August 10, 1945, published a story of similar camouflage, costing $18,000,000, at aircraft plants in Southern California, stating that additional millions will be required for its removal. Douglas, Lockheed, Consolidated Vultee, Northrop, and North American plants were included.

Additional millions were spent for air-raid shelters, black-outs, antiaircraft defense, barrage balloons, revetments on airports, bombproof walls separating important plant areas, and duplicate sets of original drawings of whole plants for safekeeping in the interior.

All of these measures were necessary in World War II because, being on the coast, these plants were wide open to enemy attack. Such expenditures were not made at plants in the West Central region, because such protection was believed unnecessary. The inland plants were considered safe, or at least much less vulnerable than those on the coasts.

By concentrating much of our air power production in dispersed, inland locations, the Government very probably can avoid the necessity for and the tremendous expense of such protective measures in case of another war emergency, as the presently existing production facilities of this region can be preserved and, if war comes again in a few years, they could serve as the nucleus for quick expansion to meet requirements. Even if, as some argue, the atomic bomb and other scientific developments in warfare should require some types of protective measures for inland plants in the event of future conflicts, the inland plants would still afford the tremendous advantage of time and space within which to stop anything directed toward them by the enemy. This might very easily spell the difference between defeat and victory, between safety and disaster.

Prior to World War II, airplane manufacturing was heavily concentrated on the west and east coasts. During the war, these facilities were augmented by Government-built plants, and the Government also established large plant facilities in several dispersed locations in the west central region. These factories still are owned by the Government. The west central region's aircraft plants, it should be noted here, have made the most outstanding production records in World War II, proving this region's labor is superior—no serious strikes, less absenteeism, more production per worker. Furthermore, the west central region has better transportation to the east coast than exists between east and west coasts, with only seven transcontinental rail lines, as against numerous railroads between the west central region and the east coast. Bombing could far more easily knock out the seven east-west lines, where they cross the Rockies, than the numerous west central-east coast lines. This is a vital advantage which we cannot afford to sacrifice.

Due to the fact that the prewar west and east coast locations usually include the home plants of the parent companies, there is a natural tendency on the part of the companies involved to draw back into these prewar coastal plants, now that war orders have been canceled and their services are no longer required for operation of the inland Government-owned plants.

If this is allowed to happen, leaving all of the inland plants idle or permitting their sale and diversion to other types of manufacturing, our defense program would necessarily depend on the coastal plants for essential production, and they would have to serve as the nucleus for quick expansion of production in the event of a sudden war emergency. Such concentration of production in the coastal areas not only increases vulnerability to attack but reduces the potential expansibility because of the limited reservoir of manpower.

To permit the development of such a condition would be, manifestly, the height of folly and in utter disregard of our national safety, for the reasons already cited.

For these same reasons, it is obvious that our wisest and safest course, and the one least costly to the Nation's already heavily burdened taxpayers, is to prepare for the concentration of a large portion of our production in these inland plants, which already are in dispersed locations. From the cost angle, our expenditure of $300,000,000,000 in World War II, representing unavoidable and tragic waste and destruction, and leaving us with a national debt of astronomical proportions, compels judicious fiscal policies if we are to provide the defense measures required for national safety and simultaneously retire or even carry our existing debt, thereby avoiding national economic ruin.

Some of the companies, therefore, should be induced to move inland. Surplus Government plants at inland locations might be traded for privately owned coastal plants, or they might be leased to the coastal companies on such attractive terms that they could afford to move their operations inland. Expense of such removal to the interior should be borne by the Government, to assure such removal and because this would be less costly in money and far less hazardous to our national safety than to have our production concentrated in the vulnerable coastal areas, with expansibility reduced by inadequate resources of manpower.

It may not be found necessary or desirable to keep all of these inland Government-owned plants to produce for our defense program. Congress, with advice from military and naval officials, should decide how many and which of them are to be retained. Some of the communities where these plants are located may prefer to have them made available to private enterprise for other types of manufacturing. Where this would not conflict with the needs of the Government in developing an adequate defense production program in dispersed inland locations, such uses should be permitted.

It cannot be truthfully said that these arguments are motivated by selfish sectionalism. It just happens that the facts of life force this Nation, as a means of self-preservation, to be realistic in planning its future defense program so as to most effectively meet the new conditions of this atomic age. Such realism will, of necessity, accept the conclusions herein expressed. There is no disposition to injure or take advantage of other sections of the country by developing the proposed program. All sections are equally and vitally concerned. Indeed, the west and east coast sections should, and probably will, recognize the validity of the arguments advanced and therefore, in the interest of the Nation's safety, not to mention economy in the use of public funds, may very well be expected to favor such a program. Opposition would be an untenable attitude on the part of any section because, when national safety is at stake, all other arguments fall.

Of course, if this Nation knows positively that no other nation will suddenly attack us at some future time, these conclusions can be ignored. Manifestly, we possess no such knowledge, but on the contrary it is reasonable to assume that a danger exists and that our safety requires adequate defense plans for possible future emergencies, more especially so since we cannot hope to permanently monopolize the ability to employ atomic energy in warfare.

Calendar No. 809

79TH CONGRESS, 1st Session | SENATE | REPORT No. 801

REPLACEMENT OF GOVERNMENT CHECKS WHICH HAVE BEEN LOST OR DESTROYED

NOVEMBER 27 (legislative day, OCTOBER 29), 1945.—Ordered to be printed

Mr. HILL, from the Committee on Expenditures in the Executive Departments, submitted the following

REPORT

[To accompany H. R. 4350]

The Committee on Expenditures in the Executive Departments, to whom was referred the bill (H. R. 4350) to amend section 3646 of the Revised Statutes, as amended, relating to the issuance of checks in replacement of lost, stolen, destroyed, mutilated, or defaced checks of the United States, and for other purposes, having considered the same, report the bill without amendment and with the recommendation that it do pass.

The purpose of the bill is to liberalize the provisions of existing law relating to the duplication of lost and destroyed Government checks in order that unnecessary delay and expense to the owners of such checks may be eliminated and the administrative procedure in connection with the issuance of such substitute checks simplified.

H. R. 4350, by eliminating the requirement of present law that the duplicate check be drawn by the disbursing officer who issued the original check and by authorizing the Secretary of the Treasury to transfer the amount of the original check from the account of the drawer to a special deposit account and to issue the replacement check against that account, will avoid the difficulty and delay resulting from the undue amount of correspondence involved between the disbursing officer and the Treasury Department under the present procedure. This delay is accentuated in cases where the disbursing officer is situated in a remote part of the world, as has frequently been the situation in recent years.

The proposed legislation will also permit the issuance of substitute checks by the Secretary of the Treasury in cases where the disbursing officer who issued the original check is dead or has left the service. Sections 300 and 3647 of the Revised Statutes, as amended (U. S. C., title 31, sec. 119), which H. R. 4350 will repeal, require that in cases

of this nature the substitute checks be issued only after a claim settlement by the General Accounting Office. In this connection the Treasury Department has advised your committee that an acute situation has arisen as a result of the recent retirement of G. F. Allen, Chief Disbursing Officer, Treasury Department. Unless H. R. 4350 is enacted into law before December 1, 1945, the date of the expiration of the period during which the Acting Chief Disbursing Officer may issue checks in replacement of original checks issued by Mr. Allen, such replacement checks may thereafter be issued only after a settlement by the General Accounting Office. Situations similar to that occurring as a result of the retirement of Mr. Allen have arisen in connection with military disbursing officers. The present procedure necessarily involves a considerable delay in the handling of thousands of requests for the issuance of replacement checks by members of the armed forces, their dependents, beneficiaries of the Veterans' Administration, and others who are in urgent need of the funds involved.

Under present law many requests for the issuance of duplicate checks are received so near to the close of the period during which they are payable by the Treasurer of the United States that there is insufficient time for the check to be issued and to reach the claimant and be negotiated by him before the expiration of the payment period. In such a case the owner of the original check must submit a new claim to the Government for settlement by the General Accounting Office. Under H. R. 4350 this situation will be ameliorated, since the new checks will bear current dates and will be payable for one full fiscal year after the fiscal year in which they are issued.

Existing law contains a general requirement that a bond of indemnity shall be furnished to support the issuance of a replacement check in any case where the original check was $50 or more in amount and was received by the payee. This requirement has caused a great deal of inconvenience and hardship to needy recipients of Government payments, including members of the armed forces and their dependents. These persons often have difficulty in obtaining sureties and in completing acceptable bonds of indemnity due to the formalities which must be observed in executing such instruments. By raising the amount for which a bond of indemnity will be required to $200, which amount will cover the bulk of payments made by the Government to individuals, the bill will eliminate a great deal of inconvenience to the public as well as time-consuming correspondence for the Government agencies concerned. The present provision that the Secretary of the Treasury may require an agreement of indemnity in any case where he deems it essential to the public interest is retained. In the special case of checks issued by the Post Office Department, the amount for which a bond of indemnity will be required is raised to $100.

H. R. 4350 also contains special provisions for the handling of cases involving the issuance of checks in replacement of original checks drawn against foreign depositaries.

As shown by the letters set forth below, the proposed legislation is recommended by the Treasury Department and has the approval of the General Accounting Office and the Bureau of the Budget. It is the opinion of your committee that the measure is meritorious, and prompt passage thereof is recommended.

TREASURY DEPARTMENT,
Washington 25, October 11, 1945.

The SPEAKER, HOUSE OF REPRESENTATIVES,
Washington, D. C.

MY DEAR MR. SPEAKER: There is transmitted herewith a proposed bill to amend section 3646 of the Revised Statutes, as amended, relating to the issuance of checks in replacement of lost, stolen, destroyed, mutilated, or defaced checks of the United States, and for other purposes.

The proposed legislation is designed to eliminate unnecessary delay and expense to payees or owners in obtaining new checks to replace lost, stolen, destroyed, or mutilated Government checks; to provide a basis for simplification of the administrative procedure in connection with the issuance of such checks; and to clarify existing provisions of relevant law and adapt them to present conditions.

Where a check is lost, stolen, destroyed, or mutilated, the procedure under present law requires the disbursing officer who issued the original check to issue also the replacement check. The difficulty and delay inherent in this procedure has been aggravated by present conditions. As a result of the world-wide operations of the Government, numerous disbursing officers are stationed at remote points abroad and on board ship where it is not easy to communicate with them. Moreover, because of frequent changes of station or assignment, the disbursing officer who drew the original check may not be available to draw a replacement check.

The proposed legislation would eliminate the foregoing difficulties by authorizing the Secretary of the Treasury, or an officer or employee of the United States designated by him, to issue the new checks. To simplify accounting, the amounts of the original checks would be transferred from the accounts of the drawers to a special-deposit account against which the new checks would be drawn.

Under existing law, the replacement check must be an exact duplicate of the original, bear the same date, and, with certain exceptions, must be presented for payment not later than the close of the fiscal year following the fiscal year in which the original was issued. In numerous cases requests for the issuance of duplicate checks are received so close to the end of the period during which they may be paid by the Treasurer of the United States that there is insufficient time for the check to be issued or, if issued, to reach the payee or owner and be negotiated by him before the expiration of that period. In such cases the amounts of the original checks are required by law to be covered into the outstanding liabilities trust fund, and the payees or owners must submit new claims to the Government for settlement by the General Accounting Office. The proposed bill provides that the new checks will bear current dates and will be payable for one full fiscal year after the fiscal year in which issued.

Under present law, a bond of indemnity, with sureties, is generally required from the payee or owner where a check for $50 or more has been received by the payee and is subsequently lost, stolen, destroyed, or mutilated. A great deal of inconvenience and hardship is being caused members of the armed forces, their dependents, and other needy recipients of Government payments as a result of this requirement. Payees or owners of lost, stolen, destroyed, or mutilated checks often experience great difficulty in obtaining sureties and also in completing acceptable bonds of indemnity due to the formalities which must be observed in executing such instruments. A great deal of time-consuming correspondence would be avoided if the amount for which no bond is required were raised to $200, as provided in the enclosed draft of bill. This amount would cover the bulk of payments which are made by the Government to individuals and would be more in keeping with present conditions.

Existing law requires that when an officer who issued an original check dies or leaves the service, a replacement check may be issued only after a claim settlement by the General Accounting Office. In this connection, an acute situation has arisen as the result of the retirement of G. F. Allen, Chief Disbursing Officer, Division of Disbursement, Treasury Department. Until December 1, the Acting Chief Disbursing Officer, pursuant to authority contained in the act of December 24, 1942 (56 Stat. 1086), will be authorized, subject to approval of the Secretary of the Treasury, to issue checks in replacement of checks issued by G. F. Allen, and subsequently lost, stolen, destroyed, or mutilated, but after that time there will be no authority to effect replacement of such checks except after a settlement in each case by the General Accounting Office. Similar problems have arisen in connection with military disbursing officers. In order to meet these situations the repeal, as provided by the proposed legislation, of sections 300 and 3647 of the Revised Statutes, as amended (U. S. C., title 31, sec. 119), is deemed necessary.

The repeal of these two sections of the Revised Statutes would result in uniformity in that it would enable the handling of requests for replacement of checks issued by disbursing officers who have died or left the service, in the same manner as similar requests involving active disbursing officers. Unless this is done there will be considerable delay in the handling of thousands of requests for new checks received from members of the armed forces, their dependents, Veterans' Administration beneficiaries, and others who can ill afford any delay in receipt of funds due them from the Government.

The proposed bill also contains provisions for handling cases where checks drawn against foreign depositaries are lost, stolen, destroyed, or mutilated.

At the request of the Post Office Department, there has been included in the bill a slight revision of the provisions of law relating to replacement of Post Office Department checks which are lost, stolen, or destroyed.

The proposed bill was drafted in collaboration with the General Accounting Office and has the approval of the Comptroller General of the United States. In this connection, there is enclosed a copy of a letter dated August 7, 1945, from the Comptroller General.

The Department would appreciate it if you would lay the matter before the House of Representatives. A similar communication has been transmitted to the President pro tempore of the Senate.

The Department has been advised by the Bureau of the Budget that there is no objection to the submission of this proposed legislation to the Congress.

Very truly yours,

D. W. Bell,
Acting Secretary of the Treasury.

General Accounting Office,
Washington, August 7, 1945.

The honorable the Secretary of the Treasury.

My Dear Mr. Secretary: I have your letter of July 19, 1945, transmitting a draft of proposed legislation to amend section 3646 of the Revised Statutes of the United States, as amended (31 U. S. C. 528), and to repeal sections 300 and 3647 of said Revised Statutes. You request to be advised whether there would be any objection from the viewpoint of the General Accounting Office to the enactment of such proposed legislation.

The proposed amendment, if enacted into law, would revise existing law with respect to the issuance of duplicates of lost, stolen, destroyed, mutilated, or defaced original checks—not more than one full fiscal year old—in a number of respects as stated in the memorandum accompanying your letter as follows:

"1. It would authorize the Secretary of the Treasury to issue new checks of current date called substitutes (instead of duplicate checks issued by disbursing officers) to replace lost, stolen, or destroyed checks.

"2. It would authorize the transfer of the amounts of such checks from the accounts of the drawers to a special deposit account against which the new checks would be drawn.

"3. It would authorize the use of undertakings of indemnity, without sureties in appropriate cases, instead of bonds of indemnity.

"4. It would authorize the acceptance of an application in case the amount of the check is not more than $200 (instead of less than $50), provided, however, an undertaking of indemnity might be required if deemed in the public interest.

"5. It would authorize the drawer of the original check, or such other officer or employee of the United States as might be authorized by the Secretary of the Treasury, to issue a new check to replace a lost, stolen, or destroyed check drawn against a foreign depositary.

"6. Since substitute checks would be new checks bearing current dates, they would be payable for one full fiscal year after the fiscal year in which issued, thus removing present year-end difficulties encountered in connection with the payment of duplicate checks.

"7. The Secretary of the Treasury would be authorized to delegate authority to issue substitute checks to the heads of other agencies, including Federal Reserve banks.

"8. It would provide for handling substitute checks in cases where the originals are drawn by disbursing officers who are no longer in the disbursing service of the United States in the same manner as other cases."

Under the proposed amendment section 3646 (a) would cover "any" check of the United States lost, stolen, or wholly or partly destroyed, or which is so muti-

lated or defaced as to impair its value to its owner or holder. That would appear broad enough to embrace checks coming within the purview of section 3647 of the Revised Statutes of the United States, as amended (31 U. S. C. 119), which presently authorizes the General Accounting Office to issue settlements involving such checks issued by disbursing officers who since have died or are no longer in the service. However, the proposed amendment specifically provides for the repeal of sections 300 and 3647 of the Revised Statutes, as amended. So far as the General Accounting Office is concerned, no objection is perceived to that phase of the amendment having in view that said amendment would make uniform the procedure in respect of the issuance of substitutes for all current checks lost, stolen, or destroyed.

Since the other proposed changes, as elaborated upon in the memorandum accompanying your letter, apparently would eliminate numerous difficulties presently confronting the Treasury Department in the administration of section 3646 of the Revised Statutes, as amended, the General Accounting Office interposes no objection to the enactment of legislation effecting such changes.

Respectfully,

LINDSAY C. WARREN,
Comptroller General of the United States.

○

Calendar No. 809

79TH CONGRESS
1ST SESSION

H. R. 4350

[Report No. 801]

IN THE SENATE OF THE UNITED STATES

NOVEMBER 6 (legislative day, OCTOBER 29), 1945
Read twice and referred to the Committee on Expenditures in the Executive Departments

NOVEMBER 27 (legislative day, OCTOBER 29), 1945
Reported by Mr. HILL, without amendment

AN ACT

To amend section 3646 of the Revised Statutes, as amended, relating to the issuance of checks in replacement of lost, stolen, destroyed, mutilated, or defaced checks of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3646 of the Revised Statutes of the United States, as amended (U. S. C., title 31, sec. 528), is further amended to read as follows:

"(a) Except as hereinafter provided, whenever it is clearly proved to the satisfaction of the Secretary of the Treasury that any original check of the United States is lost, stolen, or wholly or partly destroyed, or is so mutilated

or defaced as to impair its value to its owner or holder, the Secretary of the Treasury is authorized, before the close of the fiscal year following the fiscal year in which the original check was issued to transfer the amount of the original check from the account of the drawer to a special deposit account carried in the name of the Secretary of the Treasury on the books of the Treasurer of the United States, and to issue against such special deposit account to the owner or holder thereof a substitute under current date showing such information as may be necessary to identify the original check, upon the receipt and approval by the Secretary of the Treasury of an undertaking to indemnify the United States, in such form and amount and with such surety, sureties, or security, if any, as the Secretary of the Treasury may require; but no such substitute shall be payable if the original check shall first have been paid: *Provided,* That nothing herein contained shall be deemed to relieve any certifying officer or his sureties or any disbursing officer or his sureties of any liability to the United States on account of any payment resulting from the erroneous issuance of the original check: *And provided further,* That the authority herein conferred to issue substitute checks may, in the case of checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws, be exercised without limitation of time.

"(b) An undertaking of indemnity shall not be required under subsection (a) of this section in any of the following classes of cases except as provided in this subsection: (1) If the Secretary of the Treasury is satisfied that the loss, theft, destruction, mutilation, or defacement, as the case may be, occurred without fault of the owner or holder and while the check was in the custody or control of the United States (including the postal service when carrying mail for any officer, employee, agent, or agency of the United States when performing services in connection with an official function of the United States, but not including the postal service when otherwise acting solely in its capacity as a public carrier of the mail), or of a person thereunto duly authorized as lawful agent of the United States, or while it was in the course of shipment effected pursuant to and in accordance with the regulations issued under the provisions of the Government Losses in Shipment Act; (2) if substantially the entire check is presented and surrendered by the owner or holder and the Secretary of the Treasury is satisfied as to the identity of the check presented and that any missing portions are not sufficient to form the basis of a valid claim against the United States; (3) if the Secretary of the Treasury is satisfied that the original check is not negotiable and cannot be made the basis of a valid claim against the United States; (4) if the amount of the check is not more than $200; (5) if the owner

or holder is the United States or an officer or employee thereof in his official capacity, a State, the District of Columbia, a Territory or possession of the United States, including the Commonwealth of the Philippine Islands, a municipal corporation or political subdivision of any of the foregoing, a corporation, the whole of whose capital is owned by the United States, a foreign government, or a Federal Reserve bank: *Provided, however,* That in any of the foregoing classes of cases the Secretary of the Treasury may require an undertaking of indemnity if he deems it essential to the public interest.

"(c) Notwithstanding the provisions of subsections (a) and (b) of this section whenever it is clearly proved to the satisfaction of the Secretary of the Treasury that any original check of the United States drawn on a depositary in a foreign country or a Territory or possession of the United States, including the Panama Canal Zone and the Philippine Islands, is lost, stolen, or wholly or partly destroyed, or is so mutilated or defaced as to impair its value to its owner or holder, the drawer of the original check or such other officer or employee of the United States as may be authorized by the Secretary of the Treasury with the concurrence of the head of the department or agency upon whose behalf the original check was issued is authorized, before the close of the fiscal year following the fiscal year in which the original check

was issued, to issue to the owner or holder thereof a substitute under current date showing such information as may be necessary to identify the original check, drawn against the account of the drawer of the original check or such other account as may be available for the payment of such substitute, upon the receipt and approval by the Secretary of the Treasury of an undertaking, to indemnify the United States, in such form and amount and with such surety, sureties, or security, if any, as the Secretary of the Treasury may require; but no such substitute shall be payable if the original check shall first have been paid. Nothing herein contained shall be deemed to relieve any certifying officer or his sureties or any disbursing officer or his sureties of any liability to the United States on account of any payment resulting from the erroneous issuance of the original check.

"(d) The Secretary of the Treasury shall have the power to make such rules and regulations as he may deem necessary for the administration of the provisions of this section.

"(e) Notwithstanding the provisions of subsections (a), (b), (c), and (d) of this section, whenever any original check of the Post Office Department has been lost, stolen, or destroyed, the Postmaster General may authorize the issuance of a substitute, marked 'duplicate' and showing

the number, date, and payee of the original check, before the close of the fiscal year following the fiscal year in which the original check was issued, upon the execution by the owner thereof of such bond of indemnity as the Postmaster General may prescribe: *Provided*, That when such original check does not exceed in amount the sum of $100 and the payee or owner is, at the date of the application, an officer or employee in the service of the Post Office Department, whether by contract, designation, or appointment, the Postmaster General may, in lieu of an indemnity bond, authorize the issuance of a substitute check or warrant upon such an affidavit as he may prescribe, to be made before any postmaster by the payee or owner of an original check.

"(f) Substitutes issued under this section, drawn on the Treasurer of the United States, except those for checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws, shall be deemed to be original checks and shall be payable under the conditions set forth in section 21 of the Permanent Appropriation Repeal Act, 1934 (U. S. C., title 31, sec. 725t). Substitutes for checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws shall be payable without limitation of time.

"(g) The term 'original check' wherever used in this

section means any check, warrant, or other order for the payment of money, payable upon demand and not bearing interest, drawn by a duly authorized officer or agent of the United States, the District of Columbia, or the District Unemployment Compensation Board, on their behalf against an account or funds of the United States, the District of Columbia, or the District Unemployment Compensation Board, including instruments issued by any corporation or other entity owned or controlled by the United States, the funds of which are deposited and covered into the Treasury of the United States or deposited with the Treasurer of the United States, but does not include money, coins, or currency of the United States; as used in subsection (e) of this section it means such an instrument drawn by a duly authorized officer or employee of the Post Office Department.

"(h) Any power, authority, or discretion conferred upon the Secretary of the Treasury by this section may be delegated by him, in whole or in part, subject to such terms and conditions as he may prescribe, to such individuals as he may designate within the Treasury Department or to the head of any other department or agency of the Government or of any Federal Reserve bank, and the head of such department or agency or Federal Reserve bank may, when such action is not inconsistent with the terms and conditions of the delegation by the Secretary of the Treasury, redelegate

any power, authority, or discretion conferred upon him pursuant to this subsection to any officer or employee within such department, agency, or Federal Reserve bank."

SEC. 2. Sections 300 and 3647 of the Revised Statutes, as amended (U. S. C., title 31. sec. 119), are hereby repealed.

SEC. 3. This Act shall become effective on December 1, 1945.

Passed the House of Representatives November 5, 1945.

Attest: SOUTH TRIMBLE,

Clerk.

Calendar No. 809

79TH CONGRESS
1ST SESSION

H. R. 4350

[Report No. 801]

AN ACT

To amend section 3646 of the Revised Statutes, as amended, relating to the issuance of checks in replacement of lost, stolen, destroyed, mutilated, or defaced checks of the United States, and for other purposes.

NOVEMBER 6 (legislative day, OCTOBER 29), 1945
Read twice and referred to the Committee on Expenditures in the Executive Departments

NOVEMBER 27 (legislative day, OCTOBER 29), 1945
Reported without amendment

OFFICE OF BUDGET AND FINANCE 79th-1st, No. 210
Legislative Reports and Service Section

DIGEST OF PROCEEDINGS OF CONGRESS OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

(Issued November 29, 1945, for actions of Wednesday, November 28, 1945)

(For staff of the Department only)

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HIGHLIGHTS. House continued debate on 1st deficiency appropriation bill. Rep. Cannon urged economy in Federal expenditures. Senate appointed conferees for further conference on bill to liberalize loan provisions of GI Bill of Rights. Rep. Hobbs commended appointment of Rep. Sparkman as Majority Whip.

HOUSE

1. FIRST DEFICIENCY APPROPRIATION BILL, 1946. Continued debate on this bill, H.R. 4805 (pp. 11305-27).

   Agreed, 115-89, to Rep. Lanham's (Tex.) amendment to provide $24,500,000 for veterans' housing facilities (pp. 11311-20).

   Rejected, 26-58, Rep. Bailey's (W.Va.) amendment to provide $20,000,000 additional for public works advance planning, FWA. (pp. 11309-10); and 87-100, Rep. Wigglesworth's (Mass.) amendment to strike out the FCC item (p. 11308).

   Reps. Miller, Nebr., and Case, S.Dak., discussed the effects of the language in the RFC item which prohibits the payment of compensation to any person engaged in making or processing loans to any State, or subdivision thereof or therein, for construction purposes, unless in pursuance of a specific authorization. Rep. Miller stated that "it would be dangerous for the committee to place a limitation in this bill which would prohibit the RFC from making loans to irrigation groups, or for the further extension of REA", and Rep. Case stated that "there is specific authority for RFC loans to REA" (pp. 11308-9.)

2. TRANSPORTATION. The Rules Committee reported a resolution for the consideration of H. R. 2536, to amend the Interstate Commerce Act with respect to approval of agreements between carriers (pp. 11328, 11336). (For bill's provisions see Digest 207).

3. WAR POWERS. The Rules Committee reported resolutions for the consideration of H. R. 4780, to amend the Second War Powers Act with respect to duration of powers, and H. R. 4571, to amend the First War Powers Act with respect to alien property held by the Alien Property Custodian (pp. 11327-8, 11328, 11336).

4. STRIKES. Rep. Savage, Wash., criticized H. R. 3937, relating to labor negotiations and penalties for contract violations (pp. 11328-30).
Rep. Miller, Nebr., criticized the lack of responsibility of labor leaders and unions (pp. 11331-3).

5. ECONOMY. Rep. Rich, Pa., spoke favoring economy in Federal expenditures (pp. 11302-3).

6. MAJORITY WHIP. Rep. Hobbs, Ala., commended the appointment of Rep. Sparkman, Ala., as Majority Whip (p. 11305).

HOUSE

7. GI BILL AMENDMENTS. Received and agreed to the conference report on this bill, H.R.3749, which reported items in disagreement. Agreed to Sen. Johnson's (Colo.) motion to insist on the Senate amendments. Sens. George, Connally, Johnson, LaFollette, and Milliken were appointed conferees for further conference (p.11261).

8. ACCOUNTING. Passed without amendment H.R. 4350, relating to the issuance of checks in replacement of lost, stolen, etc., U.S. checks (p. 11299).

9. FOREIGN AFFAIRS. Continued debate on S. 1580, to provide for the appointment of U.S. representatives in the organs and agencies of the United Nations and to make other provision with respect to the U.S. participation in such organization (pp. 11262-69, 11299).

10. INFLATION; WAGES; LOANS; COOPERATIVES; SOIL CONSERVATION. Sen. Butler, Nebr., inserted a Nebr. Bankers Assoc. resolution on inflation, opposing minimum-wage increases, urging elimination of "red tape" involved in GI loans and Congressional redefining of "cooperatives," and commending the soil-conservation program (pp. 11260-1).

BILLS INTRODUCED

11. MARKETING; DRUGS. H. R. 4851, by Rep. Flannagan, Va., to regulate the marketing of economic poisons and devices. To Agriculture Committee. (p. 11336.)

12. FLOOD CONTROL. H. R. 4852, by Rep. Bishop, Ill., to provide for a reexamination and resurvey of the Miss. River at and in the vicinity of the East Cape Girardeau and Clear Creek, North Alexander, Clear Creek, Preston, and Miller Pond drainage and levee districts, Ill. To Flood Control Committee. (p. 11336.)

13. RESEARCH. H. Con. Res. 104, by Rep. Bender, Ohio, creating a joint standing committee on scientific research. To Rules Committee. (p. 11336.)

14. VETERANS. H. R. 4847, H.R. 4849 (p. 11336).

ITEMS IN APPENDIX

15. APPROPRIATIONS; FLOOD CONTROL; CENTRAL VALLEY PROJECT. Speech in the House by Rep. Clason, Mass., criticizing the elimination of flood-control-project appropriations and discussing the Central Valley project. Other members discussed this with him. (pp. A5534-5.)

16. ECONOMY. Speech in the House by Rep. Cannon, Mo., urging reduction in Federal expenditures (pp. A5559-60).

I have respect for the Senator. I always have had, and he knows that more than once I have helped him in committees and on the floor of the Senate.

Mr. CONNALLY. I am grateful to the Senator.

Mr. WHERRY. But I want to tell him that the time has come when we cannot treat this thing lightly. We want to discover what the trouble is, and I think the Senator will find out if he makes an investigation. I think that is his responsibility.

Mr. CONNALLY. I regret the Senator from Nebraska seems to take offense. I was trying to be courteous.

Mr. WHERRY. Then do not tell me I do not know anything.

Mr. CONNALLY. I did not tell the Senator that. I did not say anything about that. If the Senator will be patient for a moment, I assure him I was trying to be courteous to him. I said that we hoped to have General Hurley before us, and that we would be glad to hear the Senator from Nebraska if he desired to come. That was what I said. How that can offend him I do not know. Then I turned and said that the Senator from New Hampshire was a member of the committee, and I supposed he would be present. I do not see why Senators should be so sensitive. I was not implying that it was their duty to come. Of course it is not their duty to come.

Then the Senator from Nebraska said it was not his duty to come, and I said, "Well, if the Senator knows anything about it, it is his duty to come, and of course if he does not know anything about it, I do not see much cause for making so many speeches about it."

I withdraw the latter remark. I have no disposition to offend the Senator. I have a very high regard for him; in fact, I have a very tender personal regard for him, and I like him very much. But he is wearing a senatorial coat, or robe, or something, that is so sensitive and so delicate, so tender, that the slightest zephyr that blows, if it is not attuned exactly to his own feelings, irritates him. He is almost as sensitive as General Hurley.

Mr. HILL. Will the Senator yield?

Mr. CONNALLY. I yield the floor.

Mr. HILL. I merely wish to say that while we are considering this matter it should be noted that the men in the State Department against whom these criticisms are lodged, practically all the men in the State Department except a few at the very top, some 4 or 5, are what we refer to as "career men." That grows out of the fact that under a law passed by Congress some 20 years ago these men became connected with the State Department in what is called the Foreign Service, and Congress gave them certain rights and benefits in connection with their positions in the State Department.

Most of the men who today are among those being criticized and complained about were not brought into the State Department by the present administration, and were not selected or appointed by the present administration. The present administration got them by inheritance. Most of them were inherited from previous administrations. As I have said, these men have certain rights in their positions, given them under a law passed by the Congress. Most of them are in the positions in which they now serve by virtue of that law, by virtue of being in the, what is called the career service.

Mr. President, I am certain that we may be sure, just as the distinguished chairman of the Foreign Relations Committee has assured us, that his committee will go into this matter thoroughly, and that the present Secretary of State, Mr. Byrnes, will look into it. Knowing how able, how conscientious, how careful, and how devoted the Secretary of State, Mr. Byrnes, is, we may be sure that he will thoroughly and painstaking go into this matter and make certain that, insofar as he is able to do so, the men serving in the State Department are loyal, are fit, and are true.

APPOINTMENT OF AMERICAN REPRESENTATIVES IN UNITED NATIONS ORGANIZATION

The Senate resumed the consideration of the bill (S. 1580) to provide for the appointment of representatives of the United States in the organs and agencies of the United Nations, and to make other provision with respect to the participation of the United States in such organization.

Mr. BRIDGES. Mr. President, I send forward an amendment to the pending bill and ask that it be read.

The PRESIDENT pro tempore. The amendment offered by the Senator from New Hampshire will be read.

The LEGISLATIVE CLERK. On page 6, after line 2, it is proposed to insert the following new section:

SEC. 7. The President shall, in order to strengthen the rule of law and to reduce the crushing burden of armaments upon the peoples of the world (and to give greater relative strength to the military forces under the jurisdiction of the Security Council for the enforcement of peace), instruct the representative of the United States in the Security Council to seek immediate action by the Security Council and by the General Assembly for an international agreement whereby compulsory military training and service shall be completely eliminated from the policies and practices of all nations.

On page 6, line 3, strike out "7" and insert in lieu thereof "8."

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

REPLACEMENT OF CERTAIN GOVERNMENT CHECKS

Mr. HILL. Mr. President, there is a bill on the calendar which should be passed not later than Saturday, December 1. The bill was reported unanimously by the House Committee on Expenditures in the Executive Departments and it passed the House unanimously. It was reported by the Senate Committee on Expenditures in the Executive Departments, and I may say it has the approval of the Comptroller General of the United States and the Bureau of the Budget. The Treasury Department is most anxious to have the bill passed. I have consulted the distinguished acting minority leader, the Senator from Nebraska [Mr. WHERRY] about the bill. The distinguished Senator from Iowa [Mr. HICKENLOOPER] is also familiar with it. I think there is no opposition to it.

I ask unanimous consent at this time that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of House bill 4350.

The PRESIDENT pro tempore. The clerk will state the bill by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 4350) to amend section 3646 of the Revised Statutes, as amended, relating to the issuance of checks in replacement of lost, stolen, destroyed, mutilated, or defaced checks of the United States, and for other purposes.

Mr. WHERRY. Mr. President, I want the RECORD to show that the minority membership of the Committee on Expenditures in the Executive Departments have no objection to the immediate consideration of the bill; therefore I shall not make objection, and we shall be glad to have the bill considered at this time.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

There being no objection, the bill (H. R. 4350) was considered, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION

Mr. HILL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. RADCLIFFE, from the Committee on Finance:

George T. Cromwell, of Annapolis, Md., to be collector of customs for customs collection district No. 13, with headquarters at Baltimore, Md., in place of Gilbert A. Dailey.

By Mr. MCKELLAR, from the Committee on Post Offices and Post Roads:

Sundry postmasters.

The PRESIDENT pro tempore. If there be no further reports of committees, the clerk will state the nominations on the executive calendar.

SELECTIVE SERVICE SYSTEM

The legislative clerk read the nomination of William Green de Rosset to be records analyst, national headquarters, Selective Service Sytem.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. HILL. I ask unanimous consent that the postmaster nominations be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the postmaster nominations are confirmed en bloc.

THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. HILL. I ask unanimous consent that the nominations in the Army be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the Army nominations are confirmed en bloc.

Mr. HILL. I ask unanimous consent that the President be notified forthwith of all confirmations of today.

The PRESIDENT pro tempore. Without objection, the President will be immediately notified.

RECESS

Mr. HILL. As in legislative session, I move that the Senate take stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 58 minutes p. m.) the Senate took a recess until tomorrow, Thursday, November 29, 1945, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate November 28 (legislative day of October 29), 1945:

The following-named persons to be foreign-service officers, unclassified, vice consuls of career, and secretaries in the diplomatic service of the United States of America:

Francis H. Colombat, of California.

Herbert D. Spivack, of New York.

(These nominations are hereby resubmitted in order to correct the spelling of the names as they appeared in the nominations submitted to the Senate on October 3, 1945.)

PROMOTIONS IN THE REGULAR ARMY OF THE UNITED STATES

MEDICAL CORPS

To be majors

Capt. Kenneth Ross Hagen, Medical Corps (temporary lieutenant colonel), with rank from December 20, 1945, subject to examination required by law.

Capt. Robert Weston Boal, Medical Corps (temporary colonel), with rank from December 20, 1945.

Capt. Lewis William Kirkman, Medical Corps (temporary colonel), with rank from December 23, 1945.

Capt. Dean Schamber, Medical Corps (temporary colonel), with rank from December 30, 1945.

To be captain

First Lt. Daniel Hedgcoxe Cahoon, Medical Corps (temporary captain), with rank from December 24, 1945.

PHARMACY CORPS

To be lieutenant colonel

Maj. Douglas Hall, Pharmacy Corps (temporary lieutenant colonel), with rank from December 5, 1945.

To be first lieutenant

Second Lt. Maurice William Hylden, Pharmacy Corps (temporary first lieutenant), with rank from December 19, 1945.

CHAPLAIN

To be major

Chaplain (Capt.) Luther Weltmer Evans, United States Army (temporary lieutenant colonel), with rank from December 16, 1945.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY OF THE UNITED STATES

TO QUARTERMASTER CORPS

Lt. Col. Donald McKechnie Ashton, Infantry (temporary colonel), with rank from November 1, 1944.

Lt. Col. Stewart Darden Hervey, Infantry (temporary colonel), with rank from August 18, 1940.

Capt. Daniel Russell Taylor, Infantry (temporary lieutenant colonel), with rank from June 12, 1940.

First Lt. George Cornell Abert, Infantry (temporary lieutenant colonel), with rank from June 14, 1941.

TO FINANCE DEPARTMENT

Maj. Ralph Arthur Koch, Infantry (temporary colonel), with rank from June 12, 1941.

Maj. Roy Silverman, Infantry (temporary colonel), with rank from June 12, 1943.

Capt. Meyer Abraham Braude, Infantry (temporary colonel), with rank from June 10, 1942.

TO CORPS OF ENGINEERS

First Lt. Charles Allen Carroll, Signal Corps (temporary major), with rank from October 5, 1945.

First Lt. Aleck Francis MacDonald, Coast Artillery Corps (temporary major), with rank from September 1, 1942.

TO FIELD ARTILLERY

Second Lt. Philip Barrett Toon, Infantry (temporary first lieutenant), with rank from June 6, 1944.

IN THE NAVY

Admiral William F. Halsey, Jr., United States Navy, to be a fleet admiral of the United States Navy.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 28 (legislative day of October 29), 1945:

SELECTIVE SERVICE SYSTEM

William Green de Rosset, to be records analyst, national headquarters, Selective Service System, with compensation at the rate of $5,180 per annum.

IN THE ARMY

APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES

Alden Harry Waitt, to be Chief of the Chemical Warfare Service, with the rank of major general, for a period of 4 years from date of acceptance.

PROMOTIONS IN THE REGULAR ARMY OF THE UNITED STATES

To be colonels

Harry Langdon Reeder, Infantry.

Jay Edward Gillfillan, Infantry.

Richard Jaquelin Marshall, Quartermaster Corps.

Leon Edward Ryder, Signal Corps.

Jay Drake Billings Lattin, Signal Corps.

James Donald MacMullen, Coast Artillery Corps.

Ralph Townsend Heard, Field Artillery.

Charles Douglas Yelverton Ostrom, Coast Artillery Corps.

Turner Mason Chambliss, Infantry.

John Frederick Ehlert, Infantry.

Theron Gray Methven, Infantry.

Robert Whiting Daniels, Ordnance Department.

Francis Arnold Hause, Coast Artillery Corps, subject to examination required by law.

Paul Lewis Ransom, Infantry.

Roderick Random Allen, Cavalry.

Edward Elliott MacMorland, Ordnance Department.

Adolphus Worrell Roffe, Cavalry, subject to examination required by law.

Manton Sprague Eddy, Infantry, subject to examination required by law.

Henry Benjamin Holmes, Jr., Coast Artillery Corps, subject to examination required by law.

Gabriel Thornton Mackenzie, Infantry.

POSTMASTERS

CONNECTICUT

Page D. Guptill, Essex.

NEW JERSEY

Josephine Agnes Washkewicz, Hainesport.

NORTH DAKOTA

William A. Gamble, Edgeley.

Josephine McLauchlin, Sanish.

John Wiedmann, Venturia.

OREGON

Weldon C. Keller, Vida.

PENNSYLVANIA

Ethel E. Morris, Modena.

TENNESSEE

Walter M. Craig, Andersonville.

Eugene F. Roberts, Decatur.

TEXAS

Walter L. Wiseman, La Vernia.

James B. Pitman, Muldoon.

[Public Law 243—79th Congress]

[Chapter 515—1st Session]

[H. R. 4350]

AN ACT

To amend section 3646 of the Revised Statutes, as amended, relating to the issuance of checks in replacement of lost, stolen, destroyed, mutilated, or defaced checks of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3646 of the Revised Statutes of the United States, as amended (U. S. C., title 31, sec. 528), is further amended to read as follows:

"(a) Except as hereinafter provided, whenever it is clearly proved to the satisfaction of the Secretary of the Treasury that any original check of the United States is lost, stolen, or wholly or partly destroyed, or is so mutilated or defaced as to impair its value to its owner or holder, the Secretary of the Treasury is authorized, before the close of the fiscal year following the fiscal year in which the original check was issued to transfer the amount of the original check from the account of the drawer to a special deposit account carried in the name of the Secretary of the Treasury on the books of the Treasurer of the United States, and to issue against such special deposit account to the owner or holder thereof a substitute under current date showing such information as may be necessary to identify the original check, upon the receipt and approval by the Secretary of the Treasury of an undertaking to indemnify the United States, in such form and amount and with such surety, sureties, or security, if any, as the Secretary of the Treasury may require; but no such substitute shall be payable if the original check shall first have been paid: *Provided*, That nothing herein contained shall be deemed to relieve any certifying officer or his sureties or any disbursing officer or his sureties of any liability to the United States on account of any payment resulting from the erroneous issuance of the original check: *And provided further*, That the authority herein conferred to issue substitute checks may, in the case of checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws, be exercised without limitation of time.

"(b) An undertaking of indemnity shall not be required under subsection (a) of this section in any of the following classes of cases except as provided in this subsection: (1) If the Secretary of the Treasury is satisfied that the loss, theft, destruction, mutilation, or defacement, as the case may be, occurred without fault of the owner or holder and while the check was in the custody or control of the United States (including the postal service when carrying mail for any officer, employee, agent, or agency of the United States when performing services in connection with an official function of the United States, but not including the postal service when otherwise acting solely in its capacity as a public carrier of the mail), or of a

person thereunto duly authorized as lawful agent of the United States, or while it was in the course of shipment effected pursuant to and in accordance with the regulations issued under the provisions of the Government Losses in Shipment Act; (2) if substantially the entire check is presented and surrendered by the owner or holder and the Secretary of the Treasury is satisfied as to the identity of the check presented and that any missing portions are not sufficient to form the basis of a valid claim against the United States; (3) if the Secretary of the Treasury is satisfied that the original check is not negotiable and cannot be made the basis of a valid claim against the United States; (4) if the amount of the check is not more than $200; (5) if the owner or holder is the United States or an officer or employee thereof in his official capacity, a State, the District of Columbia, a Territory or possession of the United States, including the Commonwealth of the Philippine Islands, a municipal corporation or political subdivision of any of the foregoing, a corporation, the whole of whose capital is owned by the United States, a foreign government, or a Federal Reserve bank: *Provided, however*, That in any of the foregoing classes of cases the Secretary of the Treasury may require an undertaking of indemnity if he deems it essential to the public interest.

"(c) Notwithstanding the provisions of subsections (a) and (b) of this section whenever it is clearly proved to the satisfaction of the Secretary of the Treasury that any original check of the United States drawn on a depositary in a foreign country or a Territory or possession of the United States, including the Panama Canal Zone and the Philippine Islands, is lost, stolen, or wholly or partly destroyed, or is so mutilated or defaced as to impair its value to its owner or holder, the drawer of the original check or such other officer or employee of the United States as may be authorized by the Secretary of the Treasury with the concurrence of the head of the department or agency upon whose behalf the original check was issued is authorized, before the close of the fiscal year following the fiscal year in which the original check was issued, to issue to the owner or holder thereof a substitute under current date showing such information as may be necessary to identify the original check, drawn against the account of the drawer of the original check or such other account as may be available for the payment of such substitute, upon the receipt and approval by the Secretary of the Treasury of an undertaking, to indemnify the United States, in such form and amount and with such surety, sureties, or security, if any, as the Secretary of the Treasury may require; but no such substitute shall be payable if the original check shall first have been paid. Nothing herein contained shall be deemed to relieve any certifying officer or his sureties or any disbursing officer or his sureties of any liability to the United States on account of any payment resulting from the erroneous issuance of the original check.

"(d) The Secretary of the Treasury shall have the power to make such rules and regulations as he may deem necessary for the administration of the provisions of this section.

"(e) Notwithstanding the provisions of subsections (a), (b), (c), and (d) of this section, whenever any original check of the Post Office Department has been lost, stolen, or destroyed, the Postmaster

General may authorize the issuance of a substitute, marked 'duplicate' and showing the number, date, and payee of the original check, before the close of the fiscal year following the fiscal year in which the original check was issued, upon the execution by the owner thereof of such bond of indemnity as the Postmaster General may prescribe: *Provided*, That when such original check does not exceed in amount the sum of $100 and the payee or owner is, at the date of the application, an officer or employee in the service of the Post Office Department, whether by contract, designation, or appointment, the Postmaster General may, in lieu of an indemnity bond, authorize the issuance of a substitute check or warrant upon such an affidavit as he may prescribe, to be made before any postmaster by the payee or owner of an original check.

"(f) Substitutes issued under this section, drawn on the Treasurer of the United States, except those for checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws, shall be deemed to be original checks and shall be payable under the conditions set forth in section 21 of the Permanent Appropriation Repeal Act, 1934 (U. S. C., title 31, sec. 725t). Substitutes for checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws shall be payable without limitation of time.

"(g) The term 'original check' wherever used in this section means any check, warrant, or other order for the payment of money, payable upon demand and not bearing interest, drawn by a duly authorized officer or agent of the United States, the District of Columbia, or the District Unemployment Compensation Board, on their behalf against an account or funds of the United States, the District of Columbia, or the District Unemployment Compensation Board, including instruments issued by any corporation or other entity owned or controlled by the United States, the funds of which are deposited and covered into the Treasury of the United States or deposited with the Treasurer of the United States, but does not include money, coins, or currency of the United States; as used in subsection (e) of this section it means such an instrument drawn by a duly authorized officer or employee of the Post Office Department.

"(h) Any power, authority, or discretion conferred upon the Secretary of the Treasury by this section may be delegated by him, in whole or in part, subject to such terms and conditions as he may prescribe, to such individuals as he may designate within the Treasury Department or to the head of any other department or agency of the Government or of any Federal Reserve bank, and the head of such department or agency or Federal Reserve bank may, when such action is not inconsistent with the terms and conditions of the delegation by the Secretary of the Treasury, redelegate any power, authority, or discretion conferred upon him pursuant to this subsection to any officer or employee within such department, agency, or Federal Reserve bank."

SEC. 2. Sections 300 and 3647 of the Revised Statutes, as amended (U. S. C., title 31, sec. 119), are hereby repealed.

SEC. 3. This Act shall become effective on December 1, 1945.

Approved December 3, 1945.